

# TRANSCRIPT OF RECORD

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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1907

No. 102

12.30

STERLING E. HOLT, JOEL A. BAKER, THOMAS TAGGART,  
GEORGE WOLF, WILLIAM A. BELL, AND CHARLES A.  
STUCKMEYER, APPELLANTS.

vs.

THE INDIANA MANUFACTURING COMPANY.

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APPEAL FROM THE CIRCUIT COURT OF THE UNITED STATES FOR  
THE DISTRICT OF INDIANA.

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FILED NOVEMBER 1, 1907.

(16,713.)

(16,713.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1897.

No. 500.

STERLING R. HOLT, JOEL A. BAKER, THOMAS TAGGART,  
GEORGE WOLF, WILLIAM A. BELL, AND CHARLES A.  
STUCKMEYER, APPELLANTS,

*vs.*

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a

## Chancery.

United States of America to the Indiana Manufacturing Company—  
Jos. K. Sharp, sec'y—Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington, thirty days after the date hereof, pursuant to an appeal which has been allowed by the circuit court of the United States for the district of Indiana from its final decree in a suit wherein Sterling R. Holt, Joel A. Baker, Thomas Taggart, George Wolf, William A. Bell, and Charles A. Stuckmeyer are appellants and you are appellee, to show cause, if any there be, why the decree rendered against the said appellants, as in the said appeal —, should not be corrected and why speedy justice should not be done to the parties in that behalf.

Witness the Hon. John H. Baker, judge of the district court of the United States for the district of Indiana and *ex officio* judge of said circuit court, this 1st day of October, in the year of our Lord one thousand eight hundred and ninety-seven.

[Seal Circuit Court of the United States, District of Indiana.]

JOHN H. BAKER, *Judge.*

b Received the within citation, at Indianapolis, October 21, 1897, & served the same as follows: On this 21 day of October, in the year of our Lord one thousand eight hundred and ninety-seven, by reading to & in the presence of J. K. Sharpe, sec'y of the within-name- Indiana Mfg. Company, & delivering a true copy of the within citation to said J. K. Sharpe, at Indianapolis, Oct. 21, 1897.

S. E. KERCHEVAL,  
Per G. E. BRANHAM, *Deputy.*

Service. ....	2 00
2 folio copies. ....	20
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	2 20

Sworn to and subscribed the — day of —, A. D. 189—.



- 1 Pleas of the circuit court of the United States for the district of Indiana, begun and holden at the United States courthouse, in the city of Indianapolis, in said district, on the first Tuesday of November, in the year of our Lord one thousand eight hundred and ninety-five, before the Honorable John H. Baker, judge of the district court of the United States for the district of Indiana and *ex officio* judge of said circuit court.

THE INDIANA MANUFACTURING COMPANY }

v.

STERLING R. HOLT, JOEL A. BAKER, THOMAS Taggart, George Wolf, William A. Bell, and Charles H. Stuckmeyer. } No. 9066. Chancery.

Be it remembered that at the May term of said court, on the 13th day of July, 1894, before the Honorable William A. Woods and the Honorable John H. Baker, judges of said court, the following proceedings in the above-entitled cause were had, to wit :

Comes now the complainant, by Chester Bradford, Esq., its solicitor, and files its bill of complaint herein in the words following, to wit :

To the judges of the United States circuit court for the district of Indiana :

Your orator, The Indiana Manufacturing Company, a corporation duly created, organized and existing under and by virtue of the laws of the State of Indiana, and having its principal office and place of business at the city of Indianapolis in said State, brings this bill into this court against Sterling R. Holt, who is treasurer of Marion county, Indiana; Joel A. Baker, who is the assessor of Marion county, Indiana; Thomas Taggart, who is the auditor of Marion county, Indiana, and George Wolf, who is assessor of Center township in Marion county, Indiana; and all of whom are citizens of the State of Indiana, residing at Indianapolis in said State.

- 2 And thereupon your orator complains and says, that at the time for assessing taxes for the year 1892 it had and was possessed of tangible property and assets to the amount of \$5,000.00, and no more, and that it made due return of the same for taxation. That it was summoned to, and, by its secretary and treasurer, Joseph K. Sharpe, Jr., did, appear before the board of review of Marion county, Indiana, then composed of the said Joel A. Baker and Thomas Taggart, and one Victor M. Backus, who was then treasurer of Marion county, Indiana, in which office he has since been succeeded by the said Sterling R. Holt, and was examined touching the property of your orator, and that his evidence corresponded with the return before made by your orator, and showed that your orator was then possessed of but \$5,000.00 in tangible property. Said evidence further showed that your orator was possessed of certain "patents," or letters patent of the United States, then estimated to be worth enough to bring up the total assets of your orator to the amount of \$20,000.00, or, in other words, that said letters patent were worth the sum of \$15,000.00. Whereupon, the said board of

review, composed of the said Joel A. Baker, Thomas Taggart and Victor M. Backus, did inequitably, wrongfully, unlawfully and injuriously fix the assessment of your orator's property for purposes of taxation, because of your orator's ownership of said letters patent, as aforesaid, at the sum of \$20,000.00, or \$15,000.00 more than your orator was justly and properly assessable for, all in violation of the Constitution and laws of the United States under and by virtue of which the said letters patent are held by your orator, and in defiance of your orator's rights in the premises. Your orator further shows unto your honors that it has paid as taxes for the year 1892 the sum of \$95.00 to the said Sterling R. Holt, as treasurer, as aforesaid, and holds his official receipt therefore, which said receipt is ready here in court to be produced whenever required, which said sum of \$95.00 is in full of all taxes which were justly and lawfully chargeable to your orator for the said year, and is in full of all taxes assessed or levied upon all and singular its property and assets of every kind and description, with penalties, interest and costs, saving and excepting only the said letters patent of the United States. Notwithstanding which the said defendants, and particularly the said defendant Sterling R. Holt, are demanding a further large sum, to wit, the sum of \$284.94, as unpaid taxes for the year 1892, basing said demand upon the valuation and assessment of the letters patent of the United States as above set forth, and not otherwise; and are threatening to levy upon and distrain and seize and sell the property of your orator to pay the taxes so unlawfully demanded; all in violation of the Constitution and laws of the United States, and to the wrong and injury of your orator.

3 Your orator further shows unto your honors that at the time for assessing taxes for the year 1893 it had and was possessed of tangible property to the extent of \$8,900.00 and no more, and that it made due return of the same for taxation upon and by means of the regular statements and assessment-lists furnished for that purpose by the assessor, as by a duly authenticated copy of said statement and of said assessment-list ready here in court to be produced whenever required will more fully and at large appear. That the assessor demanded of your orator that the number and value of letters patent owned by your orator should be furnished to be placed upon said assessment-list, which said demand your orator submitted to, for the purpose of furnishing the said assessor the information which he desired, and thereupon said assessment-list was made to show and does show that your orator was at that time possessed of four letters patent of the United States of the value of \$25,000; but your orator denies that by furnishing the information aforesaid it admitted or agreed to the legality of assessing letters patent for taxation, or the validity or propriety of such assessment; and it now avers that it denies and always has denied the validity or legality of such or any assessment on account of any letters patent owned or held by it.

Your orator further shows unto your honors that the board of review, composed of the said Joel A. Baker, Thomas Taggart and Victor M. Backus, did inequitably, wrongfully, unlawfully and in-

juriously fix the assessment of your orator's property for purposes of taxation because of your orator's ownership of said letters patent as aforesaid, at the sum of \$36,000, or \$27,100 more than your orator was properly assessable for, all in violation of the Constitution and laws of the United States, and in defiance of your orator's rights in the premises. Your orator further shows unto your honors that it has paid as taxes for the year 1893 the sum of \$204.55 to the said Sterling R. Holt, treasurer, as aforesaid, and holds his official receipt therefor, which said receipt is ready here in court to be produced whenever required; which said sum of \$204.55 is in full of all taxes, with penalties, interest and costs thereon, which were justly and lawfully chargeable to your orator for the said year 1893, and is in full of all taxes levied or assessed upon all and singular its property and assets of every description, saving and excepting only the said letters patent of the United States. Notwithstanding which the said defendants, and particularly the said defendant Sterling R. Holt, as treasurer, as aforesaid, are demanding a further large sum, to wit, the sum of \$464.94, as unpaid taxes for the said year 1893, basing said demand upon the valuation of the letters patent of the United States as above set forth, and not otherwise; and are threatening to levy upon and seize and sell the property of your orator to pay the taxes so unlawfully and unjustly demanded; all in violation of the Constitution and laws of the United States, and to the wrong and injury of your orator.

4 And your orator further shows unto your honors that at the time for assessing taxes for the year 1894 it had and was possessed of tangible property and assets to the amount of \$7,645.00 and no more, and that it made due return of the same for taxation upon and by means of the regular statements and assessment-lists furnished for that purpose by the assessor, as by a duly authenticated copy of said statement and of said assessment-lists ready here in court to be produced whenever required will more fully and at large appear. That the assessor demanded of your orator that the number and value of letters patent owned by your orator should be furnished to be placed upon said assessment-list, which said demand your orator submitted to, and thereupon said assessment-list was made to show and does show that your orator was at the time possessed of four letters patent of the United States of the value of \$25,000.00, but your orator denies that by furnishing the information aforesaid it admitted or agreed to the legality of assessing letters patent for taxation or the validity or the propriety of such assessment; and it now avers that it denies and always has denied the validity or legality of such or any assessment on account of any letters patent owned or held by it. Your orator further shows that it was summoned to appear before the board of review of Marion county, Indiana, did so appear by its attorney and by its president and secretary on July 11, 1894, and did then protest against any assessment for taxation different from or greater than such as might be based upon its actual tangible property so owned by it as aforesaid; and that the evidence taken at that time shows that the return made in and by the aforementioned assessment-list was correct,

and that your orator is possessed of no other or further property than that shown in and by said assessment-list, except the letters patent aforesaid; and that the valuation placed upon its stock was because of the ownership of said letters patent and not otherwise, as by a duly authenticated copy of the proceedings of said board ready here in court to be produced will more fully and at large appear. Notwithstanding which the said board of review composed of the said defendants Sterling R. Holt, Thomas Taggart and Joel A. Baker, did inequitably, wrongfully, unlawfully and injuriously fix the assessment of your orator's property for purposes of taxation, because of your orator's ownership of said letters patent as aforesaid, at the sum of \$36,000.00 or \$28,355.00 more than your orator was possessed of in tangible property, or was properly or justly assessable for, all in violation of the Constitution and laws of the United States, under and by virtue of which the said letters patent are held by your orator, and to the wrong and injury of your orator.

Your orator further shows unto your honors that all taxes justly and legally due from your orator prior to those assessed in and for the year 1894 have been fully paid, as hereinbefore set forth, and that the taxes for the year 1894 are not yet due.

Your orator further shows unto your honors that at the time of paying the said taxes for the years 1892 and 1893, which taxes were paid to the said defendant Sterling R. Holt, in person, acting as such treasurer, as aforesaid, your orator did solemnly and formally protest against the unjust, inequitable, unlawful and wrongful assessment herein elsewhere complained of, and did make such payment as and for the full amount of all taxes properly or lawfully chargeable or assessable to your orator. And your orator further shows that at its first opportunity thereafter, to wit, on July 11, 1894, at a regular meeting of the board of review of Marion county, Indiana, composed of the said Sterling R. Holt, Thomas Taggart and Joel A. Baker, as aforesaid, your orator, by its attorney, did in due and proper form make motions to abate the unlawful, inequitable, unjust and wrongful taxes which had been assessed against it, which said motions were denied and not granted as by the proceedings before said board of review, or a duly authenticated copy thereof, here in court to be produced, will more fully and at large appear.

Your orator has obtained a copy of the statement for taxation of your orator for the year 1892; and also of the proceedings of the board of review for the year 1892 above referred to, so far as they relate to your orator, from the said Thomas Taggart, auditor as aforesaid, and who is also secretary of the said board of review, and certified under his hand as such auditor, and his official seal, which said copies are ready here in court to be produced whenever required.

Your orator has also likewise obtained a certified copy of the statement for taxation of your orator for the year 1893; and also a copy of the assessment-list of your orator for the year 1893; and also a copy of the proceedings of the board of review for the year

1893, so far as they relate to your orator; all of which are duly certified by the said Thomas Taggart, auditor as aforesaid, and who is also secretary of the said board of review, under his hand as such auditor, and his official seal, which said copies are ready here in court to be produced whenever required.

Your orator has also likewise obtained a certified copy of the statement for taxation of your orator for the year 1894; and also a copy of the assessment-list of your orator for the year 1894; and also a copy of the proceedings of the board of review for the year 1894 so far as they relate to your orator; all of which are duly certified by the said Thomas Taggart, auditor as aforesaid, and who is also secretary of the said board of review, under his hand as such auditor, and his official seal, which said copies are ready here in court to be produced whenever required.

Your orator further shows unto your honors that the originals of the above-described statements for taxation, proceedings of  
6 the board of review, assessment-lists, and tax duplicates, are on file in the offices of said defendants in the court-house of Marion county, in the city of Indianapolis, Indiana, in the jurisdiction of this court, and in the official custody of such of said defendants, as usually have custody thereof, in their respective capacities as public officers, as above set forth.

And your orator further shows unto your honors that the defendant Sterling R. Holt is the treasurer of Marion county, Indiana, whose duty it is as such treasurer, under the laws of the State of Indiana, to receive and collect taxes for the said State of Indiana, and also for Marion county in said State, and also for the city of Indianapolis within said county. That a large proportion of the amounts received and collected by the said defendant as treasurer, as aforesaid, are for and on account of and for the benefit of the State of Indiana, a sovereign State, and one of the United States, and that under the Constitution and laws no suit can be maintained against the State of Indiana. That it is a part of the duty of the said defendant Sterling R. Holt, treasurer, as aforesaid, to pay over into the treasury of the said State of Indiana a large proportion of the amounts so received and collected by him as taxes, and, therefore, that if said amounts are so collected and received and paid over, they will become mixed with the moneys of said State, and thus be beyond reach of any process of this or any court, and irrecoverable, and that great and irreparable injury will result to your orator if such unlawful collection and paying over as aforesaid be not prevented.

And your orator further shows unto your honors that taxes amounting as aforesaid to a much larger amount than the amounts so paid for the years 1892 and 1893 have been pretended to be assessed against your orator upon the assessment and valuation of its property and assets, by reason of the inclusion therein of its letters patent of the United States as aforesaid, and so inequitably, wrongfully, unjustly, unlawfully and injuriously placed upon the property and assets of your orator, and that said pretended taxes have been

extended upon the tax duplicates of Marion county, Indiana, as aforesaid, and that such tax duplicates are now in the hands of the said defendant Sterling R. Holt, as such treasurer, and that the said defendants, and particularly the said defendant Sterling R. Holt, are claiming and asserting that the said several sums so extended on the said tax duplicates are delinquent taxes against your orator and its property under the provisions of the statutes of the State of Indiana under which they pretend to be acting, and that said defendants in their official capacities are threatening and intend to and will in supposed compliance with the requirements of the provisions of said statutes of the State of Indiana on that subject levy upon the property of your orator, and will proceed  
7 to sell and distrain the same to pay and satisfy said sums so claimed to be due and delinquent, and if not enjoined from so doing; and that said defendants are threatening to collect such wrongful, unjust, illegal and void taxes by distraint and sale of the property of your orator, to the great and irreparable injury of your orator.

Your orator further shows unto your honors that notwithstanding the payments aforesaid of all the taxes justly and equitably due from your orator for the year- 1892 and 1893, as hereinbefore set forth, the said defendants, and particularly the defendant Sterling R. Holt, as treasurer of Marion county, Indiana, as aforesaid, is claiming and asserting the right to enforce the payments of the entire taxes as extended upon his duplicates, upon the said wrongful, unjust, unlawful and void assessment and valuation of the property of your orator, including its said letters patent as aforesaid, made by said board of review, and will, unless restrained and enjoined by a decree of this court, attempt to enforce payment of said wrongful, unjust and unlawful taxes by distraint and sale of the property of your orator, to its great and irreparable wrong and injury.

Your orator further shows unto your honors that said wrongful, unjust, inequitable, unlawful and void taxation, extended and entered upon said unjust, inequitable, unlawful and void assessment and valuation made by said board of review, constitutes and is a cloud upon the title to the property of your orator, which a court of equity has full power and jurisdiction to remove by its decree.

Your orator further shows unto your honors that it is engaged in the business of manufacturing, and that its tangible property consists almost wholly of machinery, tools and materials, used in carrying on its said business of manufacturing, and which are necessary thereto. That if said property shall be seized and sold for taxes, improperly, unjustly, inequitable and unlawfully claimed as aforesaid, that its said business will be destroyed and ruined, and great and irreparable damage will result to your orator.

Your orator further shows unto your honors that this is a suit to redress the deprivation, under color of a law of the State of Indiana, of a right secured by the Constitution and laws of the United States; and, further, that it is a suit arising under the patent laws of the United States.



And forasmuch as your orator has no adequate relief except in this court, to the end that the defendants may if they can show reason why your orator should not have the relief hereby prayed, and may, but without oath, which is hereby expressly waived, full, true, direct and perfect answer make to the matters herein stated and charged, and that defendants may answer the premises, and that they may be decreed and compelled to account for and pay over the damages which your orator has sustained, and be restrained

8 from any further violation of your orator's rights, your orator prays this honorable court to grant a writ of injunction perpetually enjoining and restraining said defendants individually, and as such treasurer, assessor, auditor, and board of review, and each and every of them, and all their deputies, clerks, attorneys, agents and servants, and all persons acting by, through or under the authority of either of them, and their successors in office forever, from in anywise collecting or in any manner attempting to collect the said amount claimed as taxes as aforesaid, and entered upon the tax duplicates in the custody of said defendants or either of them, or any other amount which may be claimed to be due on account of the value of the said or any patents owned by your orator, and your orator prays that a provisional or preliminary injunction be issued restraining the said defendants from levying upon, distraining, seizing, selling or in anywise interfering with the property of your orator pending this cause. By reason of the facts and averments hereinbefore set forth your orator further prays that upon final hearing hereof it be adjudged and decreed that the said assessment and valuation for taxation of the letters patent of your orator made directly or indirectly by said assessor and board of review is inequitable, unjust, unlawful and wholly void; that the cloud placed upon the title of your orator's corporate property by reason of said wrongful, inequitable, unlawful and void assessment and valuation made by said board of review be removed; that the defendants by decree of this court may be compelled to account for and pay over to your orator the damages your orator has sustained or shall have sustained by reason of the aforesaid unlawful acts of the defendants; also, that your honors may proceed to assess, or cause to be assessed under your direction such damages; and also that the defendants be decreed to pay the costs of this suit; and that your orator may have such other and further relief as the equity of the case or the Constitution and statutes of the United States may require and to this court may seem just.

May it please your honors to grant unto your orator not only a writ of injunction conformable to the prayer of this bill, but also a writ of subpœna of the United States of America, issuing out of and under the seal of this honorable court, directed to the said defendants, Sterling R. Holt, Joel A. Baker, Thomas Taggart, and George Wolf, commanding them on a day certain therein to be named, and under a certain penalty to be and appear in this honorable court, then and there to answer all and singular the premises, and to



stand and abide such further order, direction and decree as may be made against them.

And your orator will ever pray.

THE INDIANA MANUFACTURING  
COMPANY,

By ARTHUR A. McKAIN, *President*.

[SEAL.]

Attest:

JOSEPH K. SHARPE, JR., *Secretary*.

CHESTER BRADFORD,

*Solicitor and Counsel for Complainant.*

9 STATE OF INDIANA, }  
County of Marion, } ss:

Arthur A. McKain, being duly sworn, deposes and says, that he is the president of the corporation The Indiana Manufacturing Company, the complainant herein. That he has read the foregoing bill of complaint and knows the contents thereof, and that the same is true of his own knowledge, except as to such matters as are shown to be on information and belief, and as to those matters he verily believes them to be true.

ARTHUR A. McKAIN.

[SEAL.] Subscribed and sworn to before me, a notary public within and for said county and State, this 12th day of July, 1894.

JAMES A. WALSH,  
*Notary Public.*

And afterwards, to wit, on said 13th day of July, 1894, before the Honorable John H. Baker, one of the judges of said court, the following proceedings in the above-entitled cause were had, to wit:

The complainant herein, The Indiana Manufacturing Company, having exhibited its bill of complaint to the court, and the court being sufficiently advised in the premises, doth now order, adjudge and decree, that the defendants herein, Sterling R. Holt, Joel A. Baker, Thomas Taggart and George Wolf, their deputies, clerks, attorneys, agents and servants, and all persons acting by, through or under the authority of either of them, be and are hereby restrained from levying upon, distraining, seizing, selling or in anywise interfering with the property of said complainant from and after the service of this order on said defendants, respectively, until the 19th day of July, 1894, and until the further order of the court. Further hearing hereof is set for July 19th, 1894, at 2 o'clock p. m. at my chambers. This order to be in force from and after service of subpoena on the defendants.

And afterwards, to wit, at the May term of said court, on the 19th day of July, 1894, before the Honorable John H. Baker, one of the judges, as aforesaid, of said court, the following further proceedings in the above-entitled cause were had, to wit:

Ordered by the court that the above-entitled cause is  
 10 hereby continued until September 10th next, or as soon there-  
 after as counsel can be heard, and the injunction heretofore  
 entered herein is hereby continued in force until that date and until  
 the further order of the court.

And afterwards, to wit, at the May term of said court, on the 7th  
 day of September, 1894, before the Honorable John H. Baker, one  
 of the judges, as aforesaid, of said court, the following further pro-  
 ceedings in the above-entitled cause were had, to wit:

Come now the defendants, by Arthur V. Brown, their solicitor,  
 and file their joint and several demurrer to the bill of complaint  
 herein in the words following, to wit:

The defendants, Sterling R. Holt, Joel A. Baker, Thomas Taggart,  
 and George Wolf, by protestation, not confessing all or any of the  
 matters and things in the plaintiff's bill of complaint contained to  
 be true in such manner and form as the same is therein set forth  
 and alleged, doth demur to said bill, and for cause of demurrer  
 sheweth that the plaintiff hath not in and by his said bill made or  
 stated such a case as entitles him in a court of equity to any dis-  
 covery from these defendants or either of them or to any relief  
 against them or either of them as to the matters contained in said  
 bill or any such matters.

Wherefore, and for divers other good causes of demurrer appear-  
 ing in the said bill, the defendants do jointly and severally demur  
 thereto and humbly demand the judgment of this court whether  
 they or either of them shall be compelled to make any further or  
 other answer to the said bill, and pray to be hence dismissed  
 11 without their costs and charges in this behalf most wrong-  
 fully sustained.

ARTHUR V. BROWN,  
*Counsel for Defendants.*

STATE OF INDIANA, }  
 Marion County, } ss:

Sterling R. Holt, Joel A. Baker, Thomas Taggart, George Wolf,  
 above-named defendants, all of full age, being each separately and  
 duly sworn according to law, say that the foregoing demurrer is  
 not interposed for delay, but in good faith, for the cause therein set  
 forth.

THOMAS TAGGART.  
 STERLING R. HOLT.  
 GEO. WOLF.  
 JOEL A. BAKER.

Subscribed and sworn to before me this 19th day of July, 1894.  
 WILLIAM A. HUGHES, [SEAL.]  
*Notary Public.*

I certify that I have perused the complainant's bill in the above-  
 stated cause, and that the above demurrer is well founded in point  
 of law.

ARTHUR V. BROWN,  
*Counsel for Def'ts.*

And afterwards, to wit, at the November term, 1894, of said court, on the 12th day of March, 1895, before the Honorable John H. Baker, one of the judges, as aforesaid, of said court, the following further proceedings in the above-entitled cause were had, to wit:

Come now the parties, by their respective solicitors, and thereupon the court, being sufficiently advised in the premises, doth now overrule the demurrer of the defendants to the bill of complaint herein, and the defendants have leave to file an answer herein within twenty days.

And afterwards, to wit, at the November term, 1894, of said court, on the 30th day of March, 1895, before the Honorable John H. Baker, one of the judges, as aforesaid, of said court, the following further proceedings in the above-entitled cause were had, to wit:

Come now the defendants, by Arthur V. Brown, Esq., their solicitor, and file their answer herein in the words following, to wit:

The answer of Sterling R. Holt, Joel A. Baker, Thomas Taggart, and George Wolf, defendants, to the bill of complaint of The Indiana Manufacturing Company, complainant.

(Filed March 30, 1895.)

These defendants now and at all times hereafter saving and reserving unto themselves all benefits and advantage of exception, which can or may be had or taken to the many errors, uncertainties and other imperfections in the said complainant's said bill of complaint, for answer thereto, or unto so much and such parts thereof as these defendants are advised is or are material or necessary for them to make answer unto, these defendants for answer saith:

That it is true that the board of review of Marion county, State of Indiana, in the course of its business in the assessment of the various corporations of said county, did assess the property of complainant at the amounts named in the complainant's bill of complaint, to wit: For the year 1892, \$20,000.00; for the year 1893, \$36,000.00; for the year 1894, \$36,000.00, but these defendants further say that plaintiff is a corporation doing a lucrative manufacturing business, which was well established and widely known, with a large amount of tangible property and a valuable franchise, exclusive of patent rights.

That the market value of the stock of plaintiff at the time for making the assessment for the year 1894 was \$360,000, as defendants are informed and believe; that the value of said stock at the time for making the assessments for the years 1892 and 1893, was at least \$180,000.00, as defendants are informed and believe.

Defendants further say that said board of review in making said assessments for the years 1892 and 1893 and 1894 the patents, if any plaintiff had, were in no way or manner included or considered and that said board in making said assessments considered only the legally taxable property of plaintiff and no other.

And these defendants deny all and all manner of unlawful com-

bination and confederacy wherewith they are by the said bill charged, without this, that there is any other matter, cause or thing in the said complainant's bill of complaint contained material or necessary for these defendants to make answer unto and not herein and hereby well and sufficiently answered, confessed, traversed and avoided and denied, is not true to the knowledge or belief of these defendants, all which matters and things these defendants are ready and willing to aver, maintain and prove as this honorable court shall direct, and humbly prays to be hence dismissed with their reasonable cost and charges in this behalf most wrongfully sustained.

ARTHUR V. BROWN,  
*Solicitor for Defendants.*

13     STERLING R. HOLT,  
          JOEL A. BAKER,  
          THOMAS TAGGART,  
          GEORGE WOLF,  
                    *Defendants.*

UNITED STATES OF AMERICA, }  
          *District of Indiana,* } ss :

Sterling R. Holt, Joel A. Baker, Thomas Taggart, and George Wolf, do depose and say that they are the defendants named in the foregoing answer subscribed by them; that they have read the same and know the contents thereof; that the same is true of their own knowledge, except to the matters therein stated on information and belief, and as to those matters they verily believe it to be true.

STERLING R. HOLT.  
JOEL A. BAKER.  
THOMAS TAGGART.  
GEORGE WOLF.

[SEAL.]     Subscribed and sworn to before me this 30th day of  
                    March, 1895.

WILLIAM A. HUGHES,  
                    *Notary Public.*

And afterwards, to wit, at the November term, 1894, of said court, on the 13th day of April, 1895, before the Honorable John H. Baker, one of the judges, as aforesaid, of said court, the following further proceedings in the above-entitled cause were had, to wit:

Comes now the complainant, by counsel, and files *his* replication herein in the words following, to wit:

This repliant, saving and reserving unto itself all and all manner of advantage of exception to the manifold insufficiencies of the said answer, for replication thereunto saith, that it will aver and prove its said bill to be true, certain and sufficient in the law to be answered unto; and that the said answer of the said defendants is uncertain, untrue and insufficient to be replied unto by this repli-

ant; without this, that any other matter or thing whatsoever in the said answer contained material or effectual in the law to be replied unto, confessed and avoided, traversed or denied, is true; all which matters and things this repliant is, and will be, ready to aver and prove as this honorable court shall direct; and humbly prays, as in and by its said bill it hath already prayed.

CHESTER BRADFORD,

*Solicitor for Complainant.*

14 And afterwards, to wit, at the May term of said court, on the 10th day of August, 1895, before the Honorable John H. Baker, one of the judges, as aforesaid, of said court, the following further proceedings in the above-entitled cause were had, to wit:

Comes now the complainant, by Chester Bradford, its solicitor, and files its supplemental bill herein in the words following, to wit:

To the honorable the judges of the United States circuit court for the district of Indiana:

The complainant herein, The Indiana Manufacturing Company, by consent of parties, and by leave of court first had and obtained, hereby files the following as a supplemental bill to its original bill of complaint herein.

And thereupon your orator complains and says, that since the filing of the original bill of complaint herein, the statutes of the State of Indiana relating to the subject of county boards of review have been changed and amended, and that under such amended and changed statutes such boards of review have been increased in number, and that the board of review of Marion county, Indiana, has been accordingly increased, and now consists of Sterling R. Holt, Joel A. Baker and Thomas Taggart, original defendants herein, and of William A. Bell and Charles H. Stuckmeyer, who are newly appointed members thereof, and, your orator has been informed, have been duly qualified, and who are now acting as members of said board of review, and who are citizens and inhabitants of the State of Indiana and of the United States, residing at Indianapolis, Marion county in said State. And your orator prays that the said William A. Bell and Charles H. Stuckmeyer be made parties defendant in this case.

Your orator further shows unto your honors that at the time for assessing taxes for the year 1895 it had and was possessed of tangible property to the amount of \$10,137, and no more. And that it made due return of the same for taxation upon and by means of the regular blank statements for taxation and assessment-lists furnished for that purpose by the tax assessor, as by a duly authenticated copy of said statement and of said assessment list ready here in court to be produced whenever required will more fully and at large appear. That the tax assessor demanded of your orator that the number and value of the letters patent owned by your orator should be furnished to be placed upon said assessment-list,

15 which said demand your orator refused to submit to, but instead entered and placed upon said assessment-list as an

answer to the question "Number of patent rights and value," the statement "We are advised that patent rights are not taxable, and therefore decline to state any value for them;" and that thereafter the said assessor made and attached to said assessment-list a statement saying "Number 30. Returned by deputy assessor in 1894 No. patent rights and value, 4, \$25,000. John W. McDonald."—The said John W. McDonald being the chief deputy of the defendant George Wolf, assessor of Center township, as aforesaid. And your orator avers that it then denied and now denies and has always denied the validity or legality of any assessment for taxation based directly or indirectly upon any letters patent owned or held by it. Your orator further shows that it was summoned to appear before the board of review of Marion county, Indiana, and did so appear by its secretary and treasurer, and attorney, on Wednesday, June 19, 1895, and did then show that it was possessed of no other taxable or assessable property than appeared in and by its said assessment-list and tax statement, and that whatever value the stock of said company might possess it possessed solely by reason and on account of its ownership of letters patent of the United States, and that except for such ownership such stock would have no value whatever, and that said stock was as a matter of fact all issued in payment for such letters patent, and not otherwise, and that the stock of your orator except for the ownership of such letters patent would be utterly valueless. Notwithstanding which the said board of review, composed of the said defendants Sterling R. Holt, Joel A. Baker, Thomas Taggart, William A. Bell, and Charles H. Stuckmeyer, did inequitably, wrongfully, unlawfully, and injuriously fix the assessment of your orator's property for purposes of taxation, because of your orator's ownership of said letters patent as aforesaid, and because of the value of the stock of your orator derived and resulting from such ownership of said letters patent as aforesaid, and not otherwise, at the sum of \$36,000, or \$25,863 more than your orator was possessed of in tangible property, or was properly or justly assessable for, all in violation of the Constitution and laws of the United States, under and by virtue of which the said letters patent are held by your orator, and to the great and manifest wrong and injury of your orator.

Your orator further shows unto your honors that all taxes justly and legally due from your orator have been fully paid, as appears by the tax receipts produced and ready to be produced in evidence by your orator, and your orator avers that it is ready and willing to and will pay all future taxes justly and legally assessable against it, as the same shall become due. And your orator shows at the time of paying such taxes it did solemnly and formally protest against the unjust, inequitable, unlawful and wrongful assessment herein elsewhere complained of, and did make such payment

16 as and for the full amount of all taxes properly or lawfully chargeable or assessable to your orator.

May it please your honors not only to grant unto your orator the relief heretofore prayed in and by the original bill of complaint herein, and such other and further relief as the equity of the case

made by this supplemental bill may require, and to this court may seem just, but also a writ of subpoena of the United States of America issuing out of and under the seal of this honorable court directed to the defendants William A. Bell and Charles H. Stuckmeyer, commanding them on a day certain therein to be named and under a certain penalty, to be and appear in this honorable court then and there to answer all and singular the premises, and to stand and abide such further order, direction and decree as may be made against them, jointly with the original defendants herein.

And your orator will ever pray.

THE INDIANA MANUFACTURING  
COMPANY,

By ARTHUR A. McKAIN, *President.*

CHESTER BRADFORD,

*Solicitor and Counsel for Complainant.*

And afterwards, to wit, at the November term of said court, on the 2d day of December, 1895, before the Honorable John H. Baker, one of the judges, as aforesaid, of said court, the following further proceedings in the above-entitled cause were had, to wit:

Come now the parties, by counsel, and file their stipulations herein in the words following, to wit:

*Stipulation.*

It is stipulated and agreed by and between the parties to the above-entitled cause, by their counsel, that the complainant may file the annexed supplemental bill, and that the answer and replication heretofore filed shall have the same force and effect as if filed subsequently to the date of filing such supplemental bill, and that no other answer or other replication need be filed herein.

CHESTER BRADFORD,

*Solicitor for Complainant.*

ARTHUR V. BROWN,

*Solicitor for Defendants.*

17

*Stipulation.*

The defendants herein waive the taking of any testimony in this cause, and rest upon the pleadings and evidence already introduced and filed herein. Defendants further waive any objection to the copies of tax statements, assessment-lists, and proceedings of the board of review, which might be based on the fact that they or any of them are not certified, or that they or any of them were introduced before the filing of the supplemental bill herein. But defendants do not waive other objections heretofore made and entered of record.

Complainant gives notice that it will produce and use at the hearing the statutes of the State of Indiana, bearing upon the ques-



tion of the taxation of patents or "patent rights," and thereupon also rests.

ARTHUR V. BROWN,  
*Solicitor for Defendants.*  
CHESTER BRADFORD,  
*Solicitor for Complainant.*

And afterwards, to wit, at the November term of said court, on the 3d day of March, 1896, before the Honorable John H. Baker, one of the judges, as aforesaid, of said court, the following further proceedings in the above-entitled cause were had, to wit:

This cause came on to be heard January 17th, 1896, on pleadings and proofs and was argued orally by Chester Bradford, on behalf of the complainant, and by Alfred R. Hovey, on behalf of the defendants, and briefs were duly filed; and now, the court having considered the same, and being sufficiently advised in the premises, doth find for the complainant, and that all the material facts set forth in its bill of complaint and supplemental bill of complaint are true and proved; and thereupon, upon consideration thereof, doth order, adjudge, and decree as follows, to wit:

First. That the statutes of the State of Indiana relating to and requiring the taxation of "patent rights" or letters patent of the United States are unconstitutional, invalid, and void.

18 Second. That the taxes assessed by the defendants, acting in their official capacities, against the complainant on account of the valuation of its capital stock was an indirect assessment for taxation of the patent rights or letters patent owned and held by complainant.

Third. That the cloud placed upon the title of complainant's corporate property by reason of the wrongful, inequitable, unlawful, and void assessment and valuation complained of be, and the same is hereby, removed.

Fourth. That a perpetual injunction issue out of this court, directed to the said defendants, Sterling R. Holt, individually and as treasurer of Marion county, Indiana, and his successors in office; Joel A. Baker, individually and as assessor of Marion county, Indiana, and his successors in office; Thomas Taggart, individually and as auditor of Marion county, Indiana, and his successors in office; George Wolf, individually and as assessor of Center township, in Marion county, Indiana, and his successors in office; and the said William A. Bell and Charles H. Stuckmeyer and their successors in office and each and every of them, and all their deputies, clerks, attorneys, agents, and servants, and all persons acting by, through, or under the authority of them or either of them, enjoining and restraining them and each of them and their successors in office forever from in anywise collecting or in any manner attempting to collect the amounts claimed as taxes and entered upon the tax duplicates in the custody of said defendants or either of them, or any other amount which may be claimed to be due on account of the value of the stock of complainant by which such patent

19 rights or letters patent may be represented.

Fifth. That the complainant do recover its costs, amounting to \$109.96, against the said defendants and have execution therefor in the same manner as in an action at law.

And afterwards, to wit, at the May term of said court, on the 16th day of September, 1897, before the Honorable John H. Baker, one of the judges, as aforesaid, of said court, the following further proceedings in the above-entitled cause were had, to wit:

Come now the defendants, by counsel, and file their petition for appeal to the Supreme Court of the United States and assignment of errors herein in the words following, to wit:

The above-named respondents, Sterling R. Holt, Joel A. Baker, Thomas Taggart, George Wolf, William A. Bell, and Charles H. Stuckmeyer, conceiving themselves aggrieved by the order and decree entered on March 3, 1896, in the above-entitled proceedings, do hereby appeal from said order and decree to the Supreme Court of the United States, and they pray that this their appeal may be allowed, and that the transcript of the record and proceedings and papers upon which said order was made and said decree entered, duly authenticated, may be sent to the Supreme Court of the United States.

ALFRED R. HOVEY,

*Att'y for Def'ts & Appellants.*

*Assignment of Errors.*

Come now the appellants, Sterling R. Holt, Joel A. Baker, Thomas Taggart, George Wolf, William A. Bell, and Charles H. Stuckmeyer, and aver that the proceedings taken and the decree entered  
20 in this cause are erroneous in the following particulars:

First. The bill of complaint of the Indiana Manufacturing Company does not state facts sufficient to constitute a cause of action.

Second. The court erred in overruling the demurrer of the appellants to the bill of complaint.

Third. The decree is erroneous in the finding and decree that the taxes assessed by the appellants, acting in their official capacities, against the appellee on account of the valuation of its capital stock was an indirect assessment for taxation of the patent rights or letters patent owned and held by appellee.

Fourth. That the decree is erroneous in the finding and decree that the assessment of appellee's corporate property was wrongful, inequitable, unlawful, and void.

Fifth. That the decree is erroneous in the provision decreeing the removal of the assessments made for taxation against the appellee's property.

Sixth. The decree is erroneous in that it directs a perpetual injunction against these appellants, restraining and enjoining them and each of them, their deputies and successors, from collecting or attempting to collect the taxes entered upon the tax duplicate

against said appellees, whereas the bill should have been dismissed for want of equity.

ALFRED R. HOVEY,  
*Attorney for Defendants and Appellants.*

And thereupon it is ordered by the court that said appeal be allowed as prayed upon the filing of a bond herein in the sum of \$2,000.

21 And afterwards, to wit, at the May term of said court, on the 30th day of September, 1897, before the Honorable John H. Baker, one of the judges, as aforesaid, of said court, the following further proceedings in the above-entitled cause were had, to wit :

Come now the defendants and file their bond on appeal to the Supreme Court of the United States herein in the penalty of two thousand dollars, with Henry L. Harding, James E. Greer, and John McGregor sureties thereon, which is now approved by the court.

And said bond is in the words following, to wit :

Know all men by these presents that we, Henry L. Harding, James E. Greer, and John McGregor, are held and firmly bound unto the above-named The Indiana Manufacturing Company in the sum of two thousand dollars, to be paid to said The Indiana Manufacturing Company ; to which payment, well and truly to be made, we bind ourselves, jointly and severally, and our and each of our heirs, executors, and administrators, jointly by these presents.

Sealed with our seals and dated this 18th day of September, 1897.

Whereas the above-named respondents have prosecuted an appeal to the Supreme Court of the United States to reverse the order and decree rendered in the above-entitled suit by the circuit court of the United States for the district of Indiana :

Now, therefore, the condition of this obligation is that if the above-named respondents shall prosecute their appeal to effect and answer all costs and damages that may be adjudged or  
22 awarded against them if they shall fail to make good their plea, then this obligation to be void ; otherwise in full force.

HENRY L. HARDING.	[SEAL.]
JAS. E. GREER.	[SEAL.]
JOHN MCGREGOR.	[SEAL.]

Sealed and delivered in presence of—

HARRY B. SMITH.  
F. K. SHEPARD.

Taken and approved by me this 30th day of September, 1897.

JOHN H. BAKER, *Judge.*

Here follows the testimony taken in said cause :

Examination of witnesses and production of evidence on behalf of the complainant in the above-entitled cause, under the sixty-seventh rule in equity, as amended, beginning Tuesday, April 30, 1895, at 10 o'clock in the forenoon, at the office of Chester Bradford, Esq., rooms 14 and 16, Hubbard block, southwest corner Washington and Meridian streets, Indianapolis, Indiana, before James A. Walsh, Esq., a notary public, pursuant to agreement.

Present : Chester Bradford, Esq., on behalf of complainant. Arthur V. Brown, Esq., on behalf of defendants.

It is stipulated and agreed that the depositions in this cause may be taken before any notary public, or other officer duly authorized to administer an oath, at the place where the depositions may be taken, with the same force and effect as if taken before an examiner appointed by the court ; and that such depositions may be taken by question and answer.

Counsel for complainant produces and offers in evidence a copy of the statement for taxation of the Indiana Manufacturing Company for the year 1892, and the same is marked Complainant's Exhibit " 1892 Tax Statement."

Counsel for complainant also produces and offers in evidence a copy of the proceedings of the board of review of Marion county, Indiana, for the year 1892, so far as the same relate to the  
23 Indiana Manufacturing Company, and the same is marked Complainant's Exhibit " 1892 Proceedings Board of Review."

Counsel for complainant also produces and offers in evidence a copy of the assessment-list of the Indiana Manufacturing Company for the year 1893, and the same is marked Complainant's Exhibit " 1893 Assessment-list."

Counsel for complainant also produces and offers in evidence a copy of the statement for taxation of the Indiana Manufacturing Company for the year 1893, and the same is marked Complainant's Exhibit " 1893 Tax Statement."

Counsel for complainant also produces and offers in evidence a copy of the proceedings of the board of review of Marion county, Indiana, for the year 1893, so far as the same relate to the Indiana Manufacturing Company, and the same is marked Complainant's Exhibit " 1893 Proceedings Board of Review."

Counsel for complainant also produces and offers in evidence a certificate by Thomas Taggart, auditor of Marion county, Indiana, certifying to the correctness of the copies above offered in evidence, which is marked Complainant's Exhibit " Auditor's Certificate."

Counsel for complainant also produces and offers in evidence the assessment-list of the Indiana Manufacturing Company for the year 1894, which is marked Complainant's Exhibit " 1894 Assessment-list."

Counsel for complainant also produces and offers in evidence a copy of the statement for taxation of the Indiana Manufacturing

Company for the year 1894, which is marked Complainant's Exhibit "1894 Tax Statement."

Counsel for complainant also produces and offers in evidence a copy of the proceedings of the board of review of Marion county, Indiana, for the year 1894, so far as the same relate to the Indiana Manufacturing Company, and the same is marked Complainant's Exhibit "1894 Proceedings Board of Review."

Counsel for complainant also produces and offers in evidence a copy of the assessment-list of the Indiana Manufacturing Company for the year 1895, and the same is marked Complainant's Exhibit "1895 Assessment-list."

Counsel for complainant also produces and offers in evidence a copy of the statement for taxation of the Indiana Manufacturing Company for the year 1895, and the same is marked Complainant's Exhibit "1895 Tax Statement."

Counsel for defendants objects to the introduction of the tax statements marked Exhibits "1892 Tax Statement;" "1893 Tax Statement;" "1894 Tax Statement," and "1895 Tax Statement" for the reason that such evidence is irrelevant, incompetent and immaterial. Also, to the "1893 Assessment-list;" "1894 Assessment-list;" "1895 Assessment-list" for the same reasons.

Counsel for complainant agrees that said objections shall have the same force and effect as if made at the time the respective exhibits were introduced.

JOSEPH K. SHARPE, JR., being produced as a witness on behalf of the complainant in the above-entitled cause, and being first duly sworn, in answer to interrogatories proposed to him by Chester Bradford, Esq., counsel for complainant, deposes and says:

Question 1. Please state your name; age; residence and occupation.

Answer. Joseph K. Sharpe, Jr.; 41 years of age; Indianapolis, Indiana; secretary and treasurer of the Indiana Manufacturing Company.

Q. 2. How long have you held the position of secretary and treasurer of the Indiana Manufacturing Company?

A. Since November, 1891.

Q. 3. When was the company organized, if you know?

A. I don't remember the exact date of its organization. About February, 1890, I think. I made a mistake in the year. It should be February, 1891.

Q. 4. State whether or not you have been actively connected with the company since November, 1891, and conversant with its affairs.

A. I have been actively connected with the company since November, 1891, and conversant with its business.

Q. 5. The question is, have you been conversant with its business since November, 1891?

A. I have.

Q. 6. What officer on behalf of the Indiana Manufacturing Com-

pany has signed the various assessment-lists and statements for taxation during the years you have been secretary and treasurer?

A. I have, as secretary and treasurer.

Q. 7. At the time of making the statements for taxation for the year 1892, what assets did the company have, and what were their value in detail, excluding patents?

Objected to by counsel for defendants, on the ground that it is incompetent, irrelevant and immaterial, and that it makes no difference what the assets of the company were, unless it can be shown that the board of review in assessing the property on the evidence produced before it acted in bad faith.

A. The assets of the company comprised certain machinery and material and cash in bank, amounting to \$5,000.00.

Q. 8. Excluding patents, did the company at that time have assets which would amount in the aggregate to any greater sum than \$5,000.00?

25 A. They did not.

Q. 9. State whether or not you were a witness that year on behalf of the Indiana Manufacturing Company before the board of review of Marion county, Indiana.

A. I was.

Q. 10. Did you as such witness place any estimate upon the value of the patents owned by the company?

Objected to by counsel for defendants on the ground that the record is the best evidence of such testimony.

A. I made an estimate of the market value of the stock.

Q. 11. What did you base that estimate upon?

A. Upon certain purchases of stock that had been made previously.

Q. 12. Please explain how the stock came to have any such value.

A. Largely upon the faith of the investor that in the development of the business profits could be made that would warrant the investment.

Q. 13. State whether or not the company owned any patents at that time.

A. They did.

Q. 14. State whether or not they had any bearing upon the value of the stock.

A. The value of the stock was based entirely on the patents.

Q. 15. State whether or not the company owed anything in 1892; and if so, how much?

A. It did not at that time.

Q. 16. Do you remember the transactions of the company with the firm of McKain, Needler & Nethery?

A. I do. The firm of McKain, Needler & Nethery had loaned the company up to that date about \$6,000.00.

Q. 17. In view of this, do you desire to correct your answer to Q. 15?

Mr. BROWN: I object to the form of this question, for the reason that it is a leading question.

A. I do.

Q. 18. Please state what corrections you desire to make.

A. Owing to the fact that the transactions occurred in 1892, and not having any data, I had forgotten the indebtedness to McKain, Needler & Nethery.

Q. 19. State whether or not you remember of any transaction between the Indiana Manufacturing Company and Alberta J. Sharpe at or prior to the time of making this tax statement in 1892.

A. The transactions with Alberta J. Sharpe occurred after the first of April, 1892.

Q. 20. What do you now say, according to your best recollection, was the indebtedness of the Indiana Manufacturing Company, April 1, 1892?

A. About \$6,000.00.

Q. 21. And what do you say its assets were worth at that time, excluding patents?

26 Mr. BROWN: I object to the answering of this question, for the reasons given above, as incompetent, irrelevant and immaterial; and has nothing to do with the evidence that was introduced before the board of review.

A. About \$5,000.00.

Q. 22. What officer of the Indiana Manufacturing Company signed the assessment-list and statement for taxation on its behalf for the year 1893?

A. Myself, as secretary and treasurer of the company.

Q. 23. At that time, what were the assets of the Indiana Manufacturing Company, excluding the patents which were owned by it?

Objected to by counsel for defendants, for the reason that it is incompetent, irrelevant and immaterial.

A. About \$8,900.00.

Q. 24. What was its indebtedness at that time, if you know?

Same objection.

A. About \$25,000.00.

Counsel for defendants objects to all testimony relating to the assets and indebtedness of said company, on the ground that such questions are incompetent, irrelevant and immaterial. And counsel for complainant agrees that said objection shall have the same force and effect as to testimony hereafter taken as if made to each question separately.

Q. 25. What officer of the Indiana Manufacturing Company signed the assessment-list and statement for taxation on its behalf for the year 1894?

A. A. A. McKain, president, and Joseph K. Sharpe, Jr., as secretary and treasurer.

Q. 26. What were the assets of the company on April 1, 1894, excluding patents?



A. The property of the company was personal property entirely, and the value, exclusive of patents, was about \$7,265.00.

Q. 27. What was the indebtedness of the company on that date?

A. About \$50,000.00.

Q. 28. What officer of the company executed the assessment-list and the statement for taxation on its behalf for the year 1895?

A. I did, as secretary and treasurer of the company.

Q. 29. Please state the kind and value of the assets of the company on April 1, 1895?

A. The assets were personal property, and the value about \$10,000.00, exclusive of patents.

Q. 30. What was the indebtedness of the company at that date?

A. About \$50,000.00.

27 Q. 31. Please state what you know about the ability of the Indiana Manufacturing Company to pay its debts out of its tangible property and assets during all the time you have been connected with it, exclusive of any value that might be attached to patents owned by it?

A. Exclusive of patents, the Indiana Manufacturing Company has not been able to pay its debts from its other assets.

Q. 32. Has the capital stock of the Indiana Manufacturing Company been increased or diminished during the time you have been connected with it, and if so, please state which, and how much?

A. The capital stock of the Indiana Manufacturing Company was increased \$160,000.00 about February 15, 1893; from \$200,000.00 to \$360,000.00.

Q. 33. What was the purpose of that increase of the capital stock?

A. The purchase of patents.

Q. 34. What, as a matter of fact, was the additional stock of \$160,000.00 issued for; or in other words, what consideration did the company receive for it?

A. The interest of the Farmers' Friend Stacker Company in certain patents pertaining to straw-stackers.

Counsel for complainant now produces and offers in evidence a certain demand and notice dated June 7, 1894, and signed "V. M. Backus, city and county treasurer," and the same is marked Complainant's Exhibit "1892 Notice for Levy and Sale."

Counsel for complainant now produces and offers in evidence another certain demand and notice dated June 7, 1894, and signed "V. M. Backus, city and county treasurer," and the same is marked Complainant's Exhibit "1893 Notice for Levy and Sale."

Counsel for complainant now produces and offers in evidence a certain tax receipt No. 4737 D for \$95.00, dated June 14, 1894, and signed "Sterling R. Holt, treasurer Marion county," and the same is marked Complainant's Exhibit "1892 Tax Receipt."

Counsel for complainant now produces and offers in evidence another certain tax receipt No. 4738 D for \$204.55, dated June 14, 1894, and signed "Sterling R. Holt, treasurer Marion county," and the same is marked Complainant's Exhibit "1893 Tax Receipt."

Counsel for complainant now produces and offers in evidence

another certain tax receipt No. 11617 for \$91.30, dated April 20, 1895, and signed "Sterling R. Holt, treasurer Marion county," and the same is marked Complainant's Exhibit "1894 Tax Receipt, 1st Installment."

Recess for dinner until 2 p. m.

28 Met pursuant to adjournment.

Present the same as this forenoon.

It is now stipulated and agreed, and counsel for defendants admits, that the defendant Sterling R. Holt is, and has been since prior to the bringing of this suit, the treasurer of Marion county, Indiana, and that the duty of the treasurer of Marion county, Indiana, is to collect taxes not only on behalf of said county, but also on behalf of the city of Indianapolis, and of the State of Indiana, and to pay over the moneys collected as taxes on behalf of the State of Indiana to the treasurer of Indiana. That the defendant Joel A. Baker is the assessor of Marion county, Indiana, and has been since before the beginning of this suit. That Thomas Taggart is and has been since before the bringing of this suit the auditor of Marion county, Indiana. That the said Sterling R. Holt, Joel A. Baker, and Thomas Taggart, during the incumbency of their respective offices, as stated, constituted the board of review of Marion county, Indiana. That George Wolf is and has been since before the beginning of this suit the assessor of Center township in Marion county, Indiana, whose duty it is to require and secure from all persons and corporations within said township their assessment-lists and tax statements.

Examination of the witness JOSEPH K. SHARPE, JR., continued:

Q. 35. Please give a list of the patents owned or controlled by the Indiana Manufacturing Company, by number and date. By "patents" I mean letters patent of the United States.

A. The Indiana Manufacturing Company owns the following patents: No. 297,561, dated April 29, 1884; No. 424,433, dated March 25, 1890; No. 467,476, dated January 19, 1892; No. 493,734, dated March 21, 1893; No. 498,903, dated June 6, 1893; No. 517,390, dated March 27, 1894; No. 517,475, dated April 3, 1894; No. 518,620, dated April 24, 1894; No. 519,680, dated May 8, 1894; No. 514,266, dated February 6, 1894. And we have exclusive license with right to grant sublicenses for the following: No. 512,553, dated January 9, 1894; No. 512,556, dated January 9, 1894; No. 512,557, dated January 9, 1894; No. 512,558, dated January 9, 1894; No. 517,524, dated April 3, 1894; No. 517,525, dated April 3, 1894; No. 519,473, dated May 8, 1894; No. 519,474, dated May 8, 1894; No. 522,758, dated July 10, 1894; No. 522,759, dated July 10, 1894; No. 522,760, dated July 10, 1894. We also own No. 297,561, dated April 29, 1884, and No. 382,686, dated May 15, 1888, and No. 467,477, dated January 19, 1892.

Q. 36. To what do these patents relate?

A. They relate to the art of stacking straw and thrashing grain.

Q. 37. How many of them relate to the art of thrashing grain, and which ones if you know?

29 A. Three relate to the art of thrashing grain, namely, the last three named.

Cross-examination.

Questions by Mr. Brown:

Cross-question 38. Mr. Sharpe, you will state, if you know, what transfers of stock you made of the Indiana Manufacturing Company for the year previous to April 1, 1892.

Objected to by counsel for complainant as immaterial and irrelevant.

Answer. I couldn't state without turning to our record.

The further cross-examination of this witness is now adjourned to enable him to procure data necessary to answer the question; and meantime, by consent of counsel, the examination of other witnesses is proceeded with.

JOSEPH K. SHARPE, JR.

ARTHUR A. McKAIN, being produced as a witness on behalf of the complainant in the above-entitled cause, and being first duly sworn, in answer to interrogatories proposed to him by Chester Bradford, Esq., counsel for complainant, deposes and says:

Question 39. Please state your name; age; residence, and occupation.

Answer. Arthur A. McKain; 43 years; Indianapolis; president of the Indiana Manufacturing Company.

Q. 40. When was the Indiana Manufacturing Company incorporated?

A. It was incorporated on the 11th day of February, 1891.

Q. 41. When was the first meeting of the board of directors held?

A. On the following day; the 12th of February, 1891.

Q. 42. Since what date have you been president of the Indiana Manufacturing Company?

A. Since the 12th day of February, 1891, continuously.

Q. 43. How familiar have you been with the business of the Indiana Manufacturing Company since its incorporation?

A. I have been thoroughly familiar with everything pertaining to it, except possibly a few minor details.

Q. 44. What was the original capital stock of the Indiana Manufacturing Company?

A. \$200,000.00.

Q. 45. For what consideration was that stock issued?

A. It was issued to me in consideration of my assignment to the company of certain letters patent.

Q. 46. State whether or not the company received anything else except letters patent for said stock?

A. It did not.

30 Q. 47. State whether or not you were personally present when the taxes for the years 1892 and 1893 were paid.

A. I was.

Q. 48. Who were they paid to?

A. They were paid to Sterling R. Holt, treasurer of Marion county.

Q. 49. What statements, if any, were made to Mr. Holt at the time of payment of such taxes?

A. The company's attorney, Mr. Bradford, and myself, made a tender in gold of the amount of taxes which was estimated by the auditor and treasurer to be due, exclusive of the \$25,000.00 assessment on patents, the payment being tendered as payment in full for all taxes. This was refused by Mr. Holt, but finally accepted as partial payment without any prejudice to the company's claim of exemption from taxation on patents.

Q. 50. State whether or not any protest was made at that time against assessment or taxation on account of the ownership of patents.

A. There was; a protest was made by the company's attorney.

Q. 51. What, if anything, was said by Mr. Holt relating to the enforcement of the claim he was making?

A. Mr. Holt agreed to delay proceedings until the company could have time to ask the United States court for a restraining order. I would like to amend this answer by saying that the agreement with Mr. Holt was that he would delay any proceeding whatever in regard to the levy until he could lay the matter before the board of review.

Q. 52. Did he state what he would do or be compelled to do thereafter?

A. He said that he would, unless they abated the charge, be compelled to levy unless the taxes were paid.

Q. 53. What, if anything, did he say about his duty relating to the collection of taxes as shown by the tax duplicates furnished by the auditor?

A. He said that as the tax duplicates came to him he was compelled to act; if the taxes were not paid, he would have to collect them.

Q. 54. Was the capital stock of the Indiana Manufacturing Company ever increased or diminished, and if so, in what amount?

A. It was increased by the issue of \$160,000.00 additional.

Q. 55. For what purpose was this increase of stock made?

A. To acquire the rights in certain United States patents owned by the Farmers' Friend Stacker Company.

Q. 56. What consideration, as a matter of fact, did the Indiana Manufacturing Company receive in exchange for this \$160,000.00 of increased capital stock?

A. Nothing but those rights in patents.

31 Q. 57. Do you know whether or not the Indiana Manufacturing Company has ever been possessed of tangible property or assets equal or exceeding its indebtedness?

A. I do.

Q. 58. What is the fact?

A. The fact is that, aside from its patent rights, it has never at any time subsequent to February 1, 1892, had assets equal to its liabilities.

Cross-examination waived.

ARTHUR A. McKAIN.

JAMES P. BAKER, being produced as a witness on behalf of the complainant, and being first duly sworn, in answer to interrogatories proposed to him by Chester Bradford, Esq., counsel for complainant, deposes and says:

Question 59. Please state your name; age; residence, and occupation?

Answer. James P. Baker; 50 years old; Indianapolis, Indiana; attorney-at-law.

Q. 60. Do you know anything about the incorporation and early transactions of the Indiana Manufacturing Company?

A. Yes, sir; I know something about them. As I remember, I drew up the articles of incorporation.

Q. 61. Were you present at the first meeting of the board of directors?

A. Yes, sir.

Q. 62. Did you ever have any official connection with the company, and if so, what office did you hold?

A. I was the secretary for a while; I think from the organization up to some time in the fall of 1891.

Q. 63. What was the original capital stock of this company?

A. \$200,000.00, I think.

Q. 64. For what consideration was it issued, if you know?

A. Well, the stock was—the company, as I understand it, was organized for the purpose of buying certain patent rights and doing a manufacturing business under the patents, and it bought certain patents which had been originally granted or issued to James Buchanan. Those patents had been conveyed by him to the Cyclone Company. That company went into the hands of a receiver, and I conveyed them as such receiver, under the orders of the superior court, to Arthur A. McKain, as trustee, as to a part of the territory of the United States, and to James Buchanan as to the other part. The Indiana Manufacturing Company bought the right to these patents held by Arthur A. McKain as trustee, and as a consideration therefor issued the \$200,000.00 in stock either to him or to persons he designated. At any rate, the consideration for the stock was for the interest Mr. McKain held in these patents.

Cross-examination waived.

JAMES P. BAKER.

32 By consent of counsel the further taking of these depositions is now adjourned until tomorrow (Wednesday) afternoon at 2 o'clock.

INDIANAPOLIS, IND., WEDNESDAY, *May 1, 1895.*

Met pursuant to adjournment.

Present: Same as yesterday.

Examination of the witness, JOSEPH K. SHARPE, JR., continued.

Questions by Mr. BRADFORD:

Question 65. Please state whether or not stock of the Indiana Manufacturing Company has any value except such as is derived from the possession of the patents you have spoken of.

Answer. The stock of the Indiana Manufacturing Company has no value except that derived from its letters patent. The fact of the case is that, except through them, the company is hopelessly insolvent, and couldn't pay its debts by about \$40,000.00.

Q. 66. How did you come to return these patents in your 1893 and 1894 assessment-lists?

A. The valuation was made by the deputy assessor; not by myself. He refused to accept the assessment-list without setting the valuation as it appears on the lists.

Cross-examination.

Questions by Mr. BROWN:

Cross-question 67. Mr. Sharpe, I will now ask you again to state, if you know, what transfers of stock have been made of the Indiana Manufacturing Company since its organization as shown by the books of the company.

Objected by counsel for complainant as immaterial, irrelevant and not cross-examination. It is agreed that this objection shall apply to all questions which may be asked relating to the sale of stock.

Answer. I have prepared a list showing the transfers from November, 1891, to December, 1894, and can give a complete list if required.

X Q. 68. You will please present to me this list.

A. All right.

X Q. 69. Do you know anything about the amount paid for stock at any time since you have been secretary of the company?

A. I do.

X Q. 70. Please take this list, look over it, and give me the amount that was paid per share on the shares of stock where you know the amount that was paid.

A. The par value of each share is \$50.00. On one occasion, namely, March 19, 1892, I purchased from Francke & Schindler stock at 10 cents on the dollar, or \$5.00 per share; three and three-fifths shares were purchased. On October 9, 1892, I purchased from Foster & Bennett Lumber Company for A. J. Sharpe, five  
32½ shares at \$10.00 per share, that is twenty per cent of the par value. On January 12, 1893, I traded for A. J. Sharpe a

piece of property for certain shares belonging to Holliday & Richards. I consider that the stock cost from 15 to 18 per cent. of par value. On October 20, 1893, I purchased for A. J. Sharpe seven shares from L. M. Harvey, giving my personal obligation, which is not yet due or paid for, paying par. W. H. Keys and J. W. Nethery, on November 17, 1893, sold to A. V. Boyce and A. J. Sharpe \$4,000.00 worth of the stock, receiving for same two lots located in the eastern part of the city of Indianapolis. I understand that said lots were sold to the Home Brewing Company, netting the sellers about 45 cents on the par value of the stock. On December 28, 1894, R. M. Cash sold to A. A. McKain and A. J. Sharpe three shares of stock at 66 $\frac{2}{3}$  per cent. of par value.

X Q. 71. Are those all the sales of which you have any knowledge of the price that was paid for the stock?

A. On one occasion, the date I do not remember now, the Advance Thrashing Company and the Nichols, Shepard & Co., purchased \$50,000.00 worth of the stock, paying for the same \$10,000.00, that is 20 per cent. I do not remember the date, but I think it was some time in 1893.

X Q. 72. Mr. Sharpe, please state if you know of any other transfers and the price paid for the stock.

A. I do not recollect any more at present.

X Q. 73. You stated, I believe, that as secretary of the company you signed all the assessment-lists and tax statements which have been introduced here in evidence?

A. I did.

X Q. 74. What tangible property did the company have on the 1st day of April, 1892, and its value, if you know?

A. It would be impossible to state the value; but the property consisted of machinery, material and money in bank.

X Q. 75. Have you any idea of the value of the tangible property on the 1st day of April, 1892?

A. My idea would be, that it was principally in machinery and material. Say about \$2,000.00 machinery; \$2,000.00 material; and \$1,000.00 in cash. Now I might be entirely wrong about that.

X Q. 76. If the Indiana Manufacturing Company had any tangible property on the first day of April, 1893; please state what kind, and give its value?

A. It had stackers in process of manufacture, to the amount of \$3,500.00; material, \$2,000.00; machinery, \$2,000.00, and other property amounting in total to \$8,900.00.

X Q. 77. If the Indiana Manufacturing Company had any tangible property on the 1st day of April, 1894, please state the kind, and its value?

A. The character of the tangible property is identical with that of the previous year, and the amount about \$7,200.00.

33

X Q. 78. How much money do you spend annually on advertising the business of the Indiana Manufacturing Company?

Same objection as to X Q. 67.



A. From \$40,000.00 to \$50,000.00. This comprises newspaper advertising; expense of purchasing and distributing catalogues; traveling expenses in effecting royalty contracts and introducing the stacker to the notice of the manufacturers and thrashermen; and in fact, generally, to render our patents valuable.

X Q. 79. How extensive is your business; I mean, over what territory do you sell the product of your factory?

A. In the wheat-growing sections of the United States.

X Q. 80. You say that your capital stock has no value except that derived from its letters patent?

A. I reaffirm that statement, and will say that our manufacturing business has no value except in developing our stacker, the profit of which comes from the fact only that we own the patents for same.

X Q. 81. In your statement made for the year 1892, you state that the par value of your stock is 10 per cent. of par value; is that true?

A. It was as based upon what had been paid for stock previously.

X Q. 82. What was the value of your stock on April 1, 1893?

A. About the same as the year before.

X Q. 83. Do you base this estimate upon the stock that was sold just previous to April 1, 1893?

A. Not altogether. The company was meeting with much opposition from manufacturers, and without their support the value of the stock would have been but very little.

X Q. 84. What was the value of the stock on April 1, 1894?

A. I should say about the same as previously, from the fact that our royalty contracts had not been fully completed, and that we were about entering expensive patent litigation, which, if it should result adversely to us, would entirely destroy the value of the stock.

X Q. 85. What do you mean by the same as previously?

A. That is the previous years, 1892 and 1893; as the company has never declared any dividends.

JOSEPH K. SHARPE, JR.

I, Thomas Taggart, auditor of Marion county, Indiana, do hereby certify that the annexed paper, marked "Exhibit A," is a full, true, and correct copy of the statement for taxation of the Indiana Manufacturing Company for the year 1892, and which was filed in my office Oct. 22, 1892; that the annexed paper, marked "Exhibit B," is a full, true, and correct copy of the proceedings of the board of review of Marion county, Indiana, for the year 1892, so far as such proceedings relate to the subject of taxation of the Indiana Manufacturing Company; that the annexed paper, marked "Exhibit C," is a full, true, and correct copy of the statement for taxation of the Indiana Manufacturing Company for the year 1893, and which was filed in my office Aug. 25, 1893; that the annexed paper, marked "Exhibit D," is a full, true, and correct copy of the assessment-list of the Indiana Manufacturing Company for the year 1893; that the annexed paper, marked "Exhibit E," is a full, true, and correct copy

of the proceedings of the board of review of Marion county, Indiana, for the year 1893, so far as such proceedings relate to the subject of taxation of the Indiana Manufacturing Company.

I further certify that the assessments for taxation for said years of the said The Indiana Manufacturing Company *was* based upon the said statements and assessment-lists and proceedings of which the above-named exhibits are copies, and that the item of patents was taken into consideration in fixing the said assessments.

In witness whereof I hereunto set my hand  
Commissioners' Seal as auditor as aforesaid and affix my official  
of Marion County, seal, at Indianapolis, Indiana, this 14th day  
Indiana. of June, 1891.

THOMAS TAGGART,  
*Auditor of Marion County.*

[Endorsed:] In the U. S. circuit court for the district of Indiana. Indiana Mfg. Co. *vs.* S. R. Holt *et al.* No. 9066. In equity. Complainant's Exhibit "Auditor's Certificate." James A. Walsh, notary public. Filed Dec. 2, 1895. Noble C. Butler, clerk.

35 EXHIBIT "A." Thos. Taggart, Auditor.

1892.

Form No. 3.

*Statement by Corporations, etc.*

Under section 73 of the act concerning taxation.

Approved March 6, 1891.

SEC. 73. Tax law.—Every street railroad, water works, gas manufacturing, mining, gravel road, plank road, savings bank, insurance and other associations incorporated under the laws of this State (other than railroad companies, and those heretofore specially designated), shall, by its president or other proper accounting officer, between the first day of April and the first day of June of the current year, in addition to the other property required by this act to be listed, make out and deliver to the assessor a sworn statement of the amount of its capital stock, setting forth particularly, etc. (The terms printed in statement below.)

In case of the failure or refusal to make report, such corporation shall forfeit and pay one hundred dollars for each additional day such report is delayed beyond the first of June, to be sued and recovered in any proper form of action, in the name of the State of Indiana, on the relation of the prosecuting attorney, such penalty, when collected, to be paid into the county treasury. And such prosecuting attorney in every case of conviction shall be allowed a docket fee of ten dollars, to be taxed as costs on such action.

Statement by the Indiana Mfg. Co. of capital stock, etc., as required by section 73 of an act of the legislature of the State of Indiana entitled "An act concerning taxation," approved March 6, 1891.

First.	{ Name of company or association, The Indiana Mfg. Co. Location of company or association, West Indianapolis. The principal office or place of business is in the 22 West Maryland St.	
		Amount.
Second.	{ Amount of capital stock authorized..... \$200,000 No. of shares in which capital stock is divided..... No. 4,000	
Third.	{ Amount of capital stock paid up..... 200,000 No. of shares actually issued... No. —	
Fourth.	{ Market value of the shares of stock, 10 % of par value..... 20,000 If no market value, then the actual value....	
Fifth.	The total amount of indebtedness, except the indebtedness for the current expenses, excluding from such expenses the amount paid for the purchase or improvement of property.....	
	{ Lands within the State.. \$ Lots within the State... Personal property within the State..... 5,000	
Sixth.	{ The value of all tangible property. { Total within the State... 5,000 Lands without the State. \$ Lots without the State.. Personal property with- out the State.....	
Seventh.	{ Total without the State. The difference in value between all tangible property and the capital stock.....	
Eighth.	The name and value of each franchise or privilege owned or enjoyed by such corporation.	

Interrogatory 1. Are you, or were you, on the first day of April of the present year, the executor of the last will or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent, attorney or banker investing, loaning or otherwise controlling the money or other property of any other person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker? If yes, designate for whom you were then, or are now acting in such representative or fiduciary capacity, and if you were, or are now acting under the authority of any particular court, name court, and also state to what court you report.

Interrogatory 2. Have you, before the first day of April of the present year, either personally, or through the agency of others, caused all or any part of your taxable money or other property to be temporarily converted, either by sale, borrowing, exchange, or in any other manner, into United States notes, not taxable, commonly called "greenbacks," or bonds or other securities of the United States not taxable, or any other property not taxable, with the intention to pay back, return or exchange or sell back such property after you have made out your tax statement, for the purpose of evading the payment of taxes on such property; or did you, on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back property for the purpose aforesaid?

Interrogatory 3. If you have converted any of your money or property, or money or property of any other person, as inquired of you, then state when the same was so converted or invested, and the kind and amount and value thereof.

I, Joseph K. Sharpe, Jr., sec. & treas., do solemnly swear that the above statement is true according to the best of my knowledge and belief.

JOSEPH K. SHARPE, JR.,  
Sec. & Treas.

Subscribed and sworn to before me this 28 day of April, 1892.

GEO. WOLF.  
JNO. W. McDONALD.

NOTE.—These statements to be scheduled by the assessor and returned to the county auditor.

Copy.

[Endorsed:] "A." 632. 1892. Form No. 3. Statement by the the Indiana Mfg. Co. *Company* (under section 73). County of Marion, city or town of Ind'plis, township of Center. Returned by the assessor and filed in the office of the county auditor this — day of —, 1892. —, county auditor. \$20,000.00. Joel A. Baker, pres. July 13th, '92. These statements should be arranged in alphabetical order and numbered. They should then be scheduled by the assessor and said schedule and statements returned to the county auditor when the report of assessment is made. This statement to be filed with county auditor. Copy. Filed Oct. 22, 1892. Thos. Taggart, auditor Marion Co. In the U. S. circuit court for the district of Indiana. *Indiana Mfg. Co. vs. S. R. Holt et al.* No. 9066. In equity. Complainant's Exhibit "1892 Tax Statement." James A. Walsh, notary public. Filed Dec. 2, 1895. Noble C. Butler, clerk.

## EXHIBIT "B." Thos. Taggart, Auditor.

## Indiana Manufacturing Company.

JOSEPH K. SHARPE, representing the Indiana Manufacturing Company, appearing before the board, being duly sworn, testified as follows:

## Questions by Mr. TAGGART:

1 Q. Mr. Sharpe, you represent what company?

A. The Indiana Manufacturing Company.

2 Q. Capital stock authorized, \$200,000; paid up, \$20,000; the market value of the stock, 10 % on the par value; no lands, no lots; personal property within the State, \$5,000?

A. Yes, sir.

3 Q. What kind of business does this company do?

A. Manufacturing straw-stackers on an improved patent of the old Buchanan Cyclone business. It is the means of stacking straw with wind; that is what we are doing. We blast the air or throw it out through a chute. After we demonstrate it, it becomes a great deal more valuable. We felt we were putting it at a fair value at \$20,000.

On motion, the assessment of the Indiana Manufacturing Company was fixed by the board at \$20,000.

[Endorsed:] "B." 1892. In the U. S. circuit court for the district of Indiana. *Indiana Mfg. Co. vs. S. R. Holt et al.* No. 9066. In equity. Complainant's Exhibit "1892 Proceedings Board of Review." James A. Walsh, notary public. Filed Dec. 2, 1895. Noble C. Butler, clerk.

## EXHIBIT "C." Thos. Taggart, Auditor.

1893.

Form No. 3.

*Statement by Corporations, etc.*

Under section 73 of the act concerning taxation.

Approved March 6, 1891.

SEC. 73. Tax law.—Every street railroad, water works, gas manufacturing, mining, gravel road, plank road, savings bank, insurance and other associations incorporated under the laws of this State (other than railroad companies, and those heretofore specially designated), shall, by its president or other proper accounting officer, between the first day of April and the first day of June of the current year, in addition to the other property required by this act to be listed, make out and deliver to the assessor a sworn statement of

the amount of its capital stock, setting forth particularly, etc. (The terms printed in statement below.)

In case of the failure or refusal to make report, such corporation shall forfeit and pay one hundred dollars for each additional day such report is delayed beyond the first of June, to be sued and recovered in any proper form of action, in the name of the State of Indiana, on the relation of the prosecuting attorney, such penalty, when collected, to be paid into the county treasury. And such prosecuting attorney in every case of conviction shall be allowed a docket fee of ten dollars, to be taxed as costs on such action.

Statement by the Indiana Mfg. Co. of capital stock, etc., as required by section 73 of an act of the legislature of the State of Indiana entitled "An act concerning taxation," approved March 6, 1891.

First.	{ Name of company or association, The Indiana Mfg. Co. Location of company or association, Indianapolis. The principal office or place of business is in the 7 Board Trade b'lding.	
		Amount.
Second.	{ Amount of capital stock authorized..... No. of shares in which capital stock is divided..... No. 7,200	\$360,000
Third.	{ Amount of capital stock paid up..... No. of shares actually issued..... No. 7,200	360,000
Fourth.	{ Market value of the shares of stock; none on the market. If no market value, then the actual value....	36,000
Fifth.	The total amount of indebtedness, except the indebtedness for the current expenses, excluding from such expenses the amount paid for the purchase or improvement of property.....	25,000
	{ Lands within the State. None. Lots within the State... None. Personal property within the State.....	\$33,900
Sixth.	{ The value of all tangible property. Total within the State.. Lands without the State.. None. Lots without the State.. None. Personal property without the State..... None.	
	{ Total without the State.....	None.
Seventh.	The difference in value between all tangible property and the capital stock. ....	2,100
Eighth.	The name and value of each franchise or privilege owned or enjoyed by such corporation..	

Interrogatory 1. Are you, or were you, on the first day of April of the present year, the executor of the last will or the administrator

of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent, attorney or banker investing, loaning or otherwise controlling the money or other property of any other person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker? If yes, designate for whom you were then, or are now acting in such representative or fiduciary capacity, and if you were, or are now acting under the authority of any particular court, name court, and also state to what court you report.

No.

Interrogatory 2. Have you, before the first day of April of the present year, either personally, or through the agency of others, caused all or any part of your taxable money or other property to be temporarily converted, either by sale, borrowing, exchange, or in any other manner, into United States notes, not taxable, commonly called "greenbacks," or bonds or other securities of the United States not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or sell back such property after you have made out your tax statement, for the purpose of evading the payment of taxes on such property; or did you, on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back property for the purpose aforesaid?

No.

Interrogatory 3. If you have converted any of your money or property, or money or property of any other person, as inquired of you, then state when the same was so converted or invested, and the kind and amount and value thereof.

No.

I, Joseph K. Sharpe, Jr., sec. & treas., do solemnly swear that the above statement is true according to the best of my knowledge and belief.

THE INDIANA MFG. CO.


Subscribed and sworn to before me this 23rd day of May, 1893.

GEORGE WOLF, *Ass'r.*

FRANK BYRKIT, *D'p'ty.*

NOTE.—These statements to be scheduled by the assessor and returned to the county auditor.

Copy.

[Endorsed]: "C." 82. 1893. Form No. 3. Statement by the *the Indiana Mfg. Co. Company.* (Under section 73.) County of Marion, city or town of Indianapolis, township of Centre. Returned by the assessor and filed in the office of the county auditor this — day of —, 1893. — —, county auditor. \$36,000.  These statements should be arranged in alphabetical order and numbered. They should then be scheduled by the assessor, and said schedule and statements returned to the county auditor when the report of



assessment is made. This statement to be filed with county auditor. Copy. Filed Aug. 25, 1893. Thos. Taggart, auditor Marion Co. In the U. S. circuit court for the district of Indiana. Indiana Mfg. Co. vs. S. R. Holt *et al.* No. 9066. In equity. Complainant's Exhibit "1893 Tax Statement." James A. Walsh, notary public. Filed Dec. 2, 1895. Noble C. Butler, clerk.

38 *Schedule of All the Personal Property Held by the Indiana Mfg. Co., Centre Township, in Marion County, on the 1st Day of April, 1893.*

No.	Personal property—credits.	Valuation by party.	Valuation by township assessor.	Valuation by county assessor.
1	All annuities.....	None.		
2	All bonds.....			
3	All notes secured by mortgage.....			
4	All other notes.....			
5	All accounts.....	17,908		
6	All demands and claims.....	6,342		
7	All deposits in bank.....	494		
8	All deposits with other corporations.....	None.		
9	All deposits with individuals.....			
10	All other amounts due me from any person or corporation.....			
	Total credits due me.....	24,744		
	From the sum of the above credits I claim a deduction of the amount of my <i>bona fide</i> indebtedness, to wit.....			
	Total indebtedness which should be deducted from my credits.....	25,000		
	Leaving balance for which I should be assessed.....			
PERSONAL PROPERTY—CHATTELS.				
1	Money on hand or on deposit, or subject to my order, check, or draft, not already entered under the title of credits.....	None.		
2	All money loaned by me and not already entered on this schedule.....			
3	All interest owing me and not entered on this schedule.....			
4	All judgments or allowances in my favor entered in any court, and which I have not already entered on this schedule; also all legacies, bequests, and other estates in expectancy.....			
5	All moneys invested in certificates of purchase at tax sales.....			
6	All money invested in certificates of purchase at sheriff's sales.....			
7	All money loaned to building, loan, and savings associations.....			
8	All shares of stock in any corporation formed outside of this State, and also all shares of stock in any corporation formed in this State and conducting its business outside of this State.....			
9	Value of goods and merchandise on hand.			

*Schedule of Personal Property, &c.—Continued.*

No.	Personal property—chattels.	Valuation by party.	Valuation by township assessor.	Valuation by county assessor.
10	Value of all articles purchased, received, or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying, or refining.....	2,000		
11	Value of manufactured articles on hand.....	3,500		
12	Value of manufacturing tools, implements, and machinery (other than engines and boilers, which shall be listed as such).....	2,000		
13	Value of agricultural tools, implements, and machinery.....			
14	Value of gold or silver plate and plated ware.....	None.		
15	Value of diamonds and jewelry.....			
16	Value of office.....	35		
17	Value of mechanical tools, law, and medical books.....			
18	Value of surgical instruments and medicines.....			
19	Value of fire-arms.....			
20	Value of poultry.....			
21	Value of nursery stock.....			
22	Value of property such person is required to list as pawnbroker.....			
23	Value of property of companies and corporations other than property hereinbefore enumerated.....	None.		
24	Value of property of saloons and eating-houses.....			
25	Value of market-garden products.....			
26	Value of home-made manufactures.....			
27	Value of slaughtered animals.....			
28	Every franchise and description, and value.....			
29	Value of brick, stone, and all other building material on hand.....			
30	Number of steamboats, sailing vessels, wharf-boats, canal-boats, barges, or other water craft, either within or without this State, and value.....	No.		
31	Number of patent rights, and value.....	4	25,000	
32	Number of steam-engines, including boilers, and value.....			
33	Number of fire and burglar proof safes, and value.....		50	
34	Number of billiard, pigeon-hole, bagatelle, and other similar tables, and value.....			
35	Number of piano-fortes, and value.....			
36	Number of organs and other musical instruments, and value.....	None.		
37	Number of sewing or knitting machines, and value.....			
38	Number of watches and clocks, and value.....			
39	Number of carriages, wagons, coaches, hacks, carts, drays, or other vehicles, and value.....	1	50	

*Schedule of Personal Property, &c.—Continued.*

No.	Personal property—chattels.	No.	Valuation by party.	Valuation by township assessor.	Valuation by county assessor.
40	Number of bicycles, tricycles, velocipedes, and value .....	1	50		
41	Number of hoop-poles, and value....				
42	Number of staves and heading and heading blocks, and value.....				
43	All cooperage material and merchandise, and value .....				
44	Number of horses, and value.....	None.			
45	Number of mules, jack and jennets, and value.....				
46	Number of cattle, and value.....				
47	Number of sheep, and value.....				
48	Number of hogs, and value.....				
49	Number of stands of bees, and value.....				
50	Number of cords of wood, and value.....				
51	Bushels of coal, and value.....				
52	Bushels of lime, and value.....				
53	Bushels of wheat, and value.....				
54	Bushels of corn, and value.....				
55	Bushels of rye, and value.....				
56	Bushels of oats, and value.....				
57	Bushels of potatoes, and value.....				
			32,685		
			32,685		
58	Bushels of barley, and value.....	None.			
59	Bushels of grass and clover seed, and value.....				
60	Bushels of flaxseed, and value.....				
61	Bushels of fruit, and value.....				
62	Tons of hay, and value.....				
63	Tons of hemp, and value.....				
64	Pounds of beef, and value.....				
65	Pounds of bacon, and value.....				
66	Pounds of bulk pork, and value.....				
67	Pounds of lard, and value.....				
68	Pounds of wool, and value.....				
69	Pounds of tobacco, and value.....				
70	Pounds of hops, and value.....				
71	Pounds of maple sugar, and value .....				
72	Barrels of beef, and value.....				
73	Barrels of pork, and value.....				
74	Gallons of cider, and value.....				
75	Gallons of vinegar, and value.....				
76	Gallons of wine and whisky, and value.....				
77	Gallons of sorghum or maple molasses, and value.....				
78	Feet of lumber, and value.....	1	15		
79	Pounds of starch, and value.....				
80	Pounds of feed, and value.....				
81	Reams of paper, and value.....				
82	Pounds of pulp, and value.....				
83	Gallons of oils of all kinds, and value.....				
84	Number of scales, and value.....				

## Schedule of Personal Property, &amp;c.—Continued.

No.	Personal property—chattels.	No.	Valuation by party.	Valuation by township assessor.	Valuation by county assessor.
85	Number of yards of cloth, and value.	4	1,200		
86	Number of yards of flannel, and value.				
87	Number of blankets, and value .....				
88	Pounds of yarn, and value.....				
89	Tons of ice, and value.....				
90	Number of threshing machines, and value...	None.			
91	Number of corn-shellers, and value..				
92	Value of logs, timber, and all other property not specified above required to be listed.....				
93	Male dogs owned or harbored by me..				
94	Female dogs owned or harbored by me..				
Grand total.....			33,900		
Age at last birthday.....					

Interrogatory 1. Are you, or were you, on the first day of April of the present year, the executor of the last will or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent, attorney or banker investing, loaning or otherwise controlling the money or other property of any other person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker? If yes, designate for whom you were then, or are now acting in such representative or fiduciary capacity, and if you were, or are now acting under the authority of any particular court, name court, and also state to what court you report.

No.

Interrogatory 2. Have you, before the first day of April of the present year, either personally, or through the agency of others, caused all or any part of your taxable money or other property to be temporarily converted, either by sale, borrowing, exchange or in any other manner, into United States notes, not taxable, commonly called "greenbacks," or bonds or other securities of the United States not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or sell back such property after you have made out your tax statement, for the purpose of evading the payment of taxes on such property; or did you, on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid?

No.

Interrogatory 3. If you have converted any of your money or property, or money or property of any other person, as inquired of you, then state when the same was so converted or invested, and the kind and amount and value thereof.

No.

STATE OF INDIANA, }  
Marion County, } ss:

I, Joseph K. Sharpe, Jr., sec. & treas., being duly sworn, say, to the best of my knowledge, information, and belief, the foregoing statement contains a true, full, and complete list of all property held or belonging to me and dogs owned, kept, or harbored by me on the first day of April, including all personal property appertaining to merchandising, whether held in actual possession or only having been

I further swear that I have, to the best of my knowledge and judgment, valued said property at its true cash value, by which I mean the usual selling price, being the price which could be obtained for said property at private sale and not at forced or auction sale.

Subscribed and sworn to before me this 23rd day of May, 1893.

Copy.

The following is a list of all persons in my family and belonging to my township who are either deaf and dumb, blind, idiotic, or insane, with their names, ages, and sex, and also the name of the father, mother, or guardian, and their post-office address :

[illegible]

6—500

39

EXHIBIT "E." Thos. Taggart, Auditor.

- Indiana Manufacturing Company.

The Indiana Manufacturing Company having been notified to appear before the board, and no one appearing in their interest, the board, on motion, fixed their assessment at thirty-six thousand dollars (\$36,000).

[Endorsed :] "E." 1893. In the U. S. circuit court for the district of Indiana. Indiana Mfg. Co. *vs.* S. R. Holt *et al.* No. 9066. In equity. Complainant's Exhibit 1893 Proceedings Board of Review. James A. Walsh, notary public. Filed Dec. 2, 1895. Noble C. Butler, clerk.

40

379 94 \*

94 98½ \*

379 94 \*

95 \*

284 94 \*

In the U. S. Circuit Court for the District of Indiana.

INDIANA MFG. CO. )	} No. 9066. In Equity.
vs. -	
S. R. HOLT <i>et al.</i> )	

COMPLAINANT'S EXHIBIT "1892 NOTICE FOR LEVY AND SALE."  
James A. Walsh, Notary Public.

*Demand for Delinquent Taxes.*

D 14184. TREASURER'S OFFICE (COURT-HOUSE),  
INDIANAPOLIS, June 7, 1894.

*M* Indiana Manfg. Co.:

You are delinquent in taxes due the city, county, and State for the year 1892 in the sum of \$379.94, which my duty as treasurer requires me to collect by levy and sale of your personal property if necessary.

You will therefore find it to your advantage to pay the deputy at once and save the additional expense of levy, sales, etc.

Revised Statutes, sec. 6428.—County auditors shall not be authorized to credit the treasurer with any uncollected delinquency for which he claims credit, unless such treasurer shall show, by proper returns, verified by his oath or affirmation, that he has diligently sought for and has been unable to find any personal property from which to collect such taxes, or that, having made a levy, he was enjoined or otherwise prevented from making sale or collection, by a court of competent jurisdiction; and in all cases where he had failed to make demand upon residents who are delinquent, or to levy and sell when personal property can be found in the county out of which to make the tax, he shall be liable on his official bond for such uncollected delinquency, and ten per cent. damages thereon.

Respectfully,

No. —

V. M. BACKUS,  
*City and County Treasurer.*

[\* In pencil in copy.]

Bring this notice with you.



669 49\*

204 55\*

---

464 94\*

In the U. S. Circuit Court for the District of Indiana.

INDIANA MFG. CO. }	No. 9066. In Equity.
vs. }	
S. R. HOLT <i>et al.</i> }	

COMPLAINANT'S EXHIBIT "1893 NOTICE FOR LEVY AND SALE."  
James A. Walsh, Notary Public.

*Demand for Delinquent Taxes.*

D 28126. TREASURER'S OFFICE (COURT-HOUSE),  
INDIANAPOLIS, June 7, 1894.

M Indiana Manfg. Co.:

You are delinquent in taxes due the city, county, and State for the year 1893 in the sum of \$669.49, which my duty as treasurer requires me to collect by levy and sale of your personal property if necessary.

You will therefore find it to your advantage to pay the deputy at once and save the additional expense of levy, sales, etc.

Revised Statutes, sec. 6428.—County auditors shall not be authorized to credit the treasurer with any uncollected delinquency for which he claims credit, unless such treasurer shall show, by proper returns, verified by his oath or affirmation, that he has diligently sought for and has been unable to find any personal property from which to collect such taxes, or that, having made a levy, he was enjoined or otherwise prevented from making sale or collection, by a court of competent jurisdiction; and in all cases where he had failed to make demand upon residents who are delinquent, or to levy and sell when personal property can be found in the county out of which to make the tax, he shall be liable on his official bond for such uncollected delinquency, and ten per cent. damages thereon.

Respectfully,  
No. —.

V. M. BACKUS,  
*City and County Treasurer.*

Bring this notice with you.

[\* In pencil in copy.]

41 Bring this receipt with you when you pay second installment.

Receipt No. 11617.

Indianapolis.

\$91.30.

Duplicate No. 37612.

TREASURER'S OFFICE, INDIANAPOLIS, IND., 4 M., 20, 1895.

Received of Indiana Mfg. Co. ninety-one  $\frac{39}{100}$  dollars for first installment of State, county, township, and city of Indianapolis taxes for the year 1894 on poll, dog, \$11,000.00 personal property, and on—


Description of prop- erty.	Value of land.	Value of improve- ments.	Inlot.	Outlot.	Square.	Block.
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....

1st installment delinquent after 3d Monday in April.

2d installment delinquent after 1st Monday in November.

STERLING R. HOLT,

Treasurer Marion County.

 Tax-payers should examine receipt and see that descriptions are correct; that all property, both real and personal, is covered. Transfers made after April 1, 1894, do not appear in the name of the purchaser in 1895.

[Stamped across the face:] Paid Apr. 20, 1895. M. J. Murphy, cashier.

[Endorsed:] 1895. In the U. S. circuit court for the district of Indiana. Indiana Mfg. Co. vs. S. R. Holt *et al.* No. 9066. In equity. Complainant's Exhibit "1894 Tax Receipt, 1st Installment." James A. Walsh, notary public. Filed Dec. 2, 1895. Noble C. Butler, clerk.

Receipt No. 4738 D.

\$204.55.

Duplicate No. 38126.

TREASURER'S OFFICE,

MARION COUNTY, INDIANAPOLIS, IND., June 14, 1894.

Received of Indiana Manufacturing Co. the sum of two hundred & four  $\frac{55}{100}$  dollars, being principal, penalty, interest, and costs of taxes delinquent for the year 1893, on account of State, county, township, and city of Indianapolis, on personal property and the following-described real estate, to wit:

Description of property.	Inlot.	Outlot.	Square.	Dogs.	
				Male.	Female.
Part paym't.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

STERLING R. HOLT, Treasurer Marion County.

[Stamped across the face:] Paid Jun-14, 1894. M. J. Murphy, cashier.

[Endorsed:] 1893. In the U. S. circuit court for the district of Indiana. Indiana Mfg. Co. vs. S. R. Holt *et al.* No. 9066. In equity. Complainant's Exhibit "1893 Tax Receipt." James A. Walsh, notary public. Filed Dec. 2, 1895. Noble C. Butler, clerk.

Preserve this receipt.

Preserve this receipt.

42 *Schedule of All the Personal Property Held by Indiana Mfg. Co., — City, Center Township, in Marion County, on the First Day of April, 1894.*

No.	Personal property—credits.	Valuation by party.	Valuation by township assessor.	Valuation by county assessor.
1	All annuities.....	None.		
2	All bonds.....			
3	All notes secured by mortgage.....			
4	All other notes.....			
5	All accounts.....	11,750		
6	All demands and claims.....	1,372		
7	All deposits in bank.....	2,369		
8	All deposits with other corporations.....	None.		
9	All deposits with individuals.....			
10	All other amounts due me from any person or corporation.....			
	Total credits due me.....	15,491		
	From the sum of the above credits I claim a deduction of the amount of my <i>bona fide</i> indebtedness, to wit.....			
	Total indebtedness which should be deducted from my credits.....	50,000		
	Leaving balance for which I should be assessed.....			
	PERSONAL PROPERTY—CHATTELS.			
1	Money on hand or on deposit, or subject to my order, check, or draft, not already entered under the title of credits.....	None.		
2	All money loaned by me and not already entered on this schedule.....			
3	All interest owing me and not entered on this schedule.....			
4	All judgments or allowances in my favor entered in any court, and which I have not already entered on this schedule; also all legacies, bequests, and other estates in expectancy.....			
5	All moneys invested in certificates of purchase at tax sales.....			
6	All money invested in certificates of purchase at sheriff's sales.....			
7	All money loaned to building, loan, and savings associations.....			
8	All shares of stock in any corporation formed outside of this State, and also all shares of stock in any corporation formed in this State and conducting its business outside of this State.....			
9	Value of goods and merchandise on hand.....	2,000		
10	Value of all articles purchased, received, or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying, or refining.....			
11	Value of manufactured articles on hand.....	3,500		
12	Value of manufacturing tools, implements, and machinery (other than engines and boilers, which shall be listed as such).....	2,000		

*Schedule of Personal Property, &c.—Continued.*

No.	Personal property—credits, chattels.	Valuation by party.	Valuation by township assessor.	Valuation by county assessor.			
13	Value of agricultural tools, implements, and machinery.....	35					
14	Value of gold or silver plate and plated ware.....						
15	Value of diamonds and jewelry .....						
16	Value of household furniture and library, office ...						
17	Value of mechanical tools, law, and medical books .....						
18	Value of surgical instruments and medicines .....						
19	Value of fire-arms.....						
20	Value of poultry .....						
21	Value of nursery stock.....						
22	Value of property such person is required to list as pawnbroker.....						
23	Value of property of companies and corporations other than property hereinbefore enumerated.....	None.					
24	Value of property of saloons and eating-houses .....						
25	Value of market-garden products.....						
26	Value of home-made manufactures.....						
27	Value of slaughtered animals .....						
28	Every franchise and description, and value.						
29	Value of brick, stone, and all other building material on hand.....						
30	Number of steamboats, sailing vessels, wharf-boats, canal-boats, barges, or other water craft, either within or without this State, and value. ....						
31	Number of patent rights, and value.....				No.	4	25,000
32	Number of steam-engines, including boilers, and value .....						
33	Number of fire and burglar proof safes, and value.....	1		50			
34	Number of billiard, pigeon-hole, bagatelle, and other similar tables, and value.....						
35	Number of piano-fortes, and value....	None.					
36	Number of organs and other musical instruments, and value.....						
37	Number of sewing or knitting machines, and value .....						
38	Number of watches and clocks, and value.....						
39	Number of carriages, wagons, coaches, hacks, carts, drays, or other vehicles, and value.....						
40	Number of bicycles, tricycles, velocipedes, and value. ....						
41	Number of hoop-poles, and value....						
42	Number of staves and heading and heading blocks, and value.....						
43	All cooperage material and merchandise, and value .....						
44	Number of horses, and value.....				1	50	

*Schedule of Personal Property, &c.—Continued.*

No.	Personal property—chattels.	No.	Valuation by party.	Valuation by township assessor.	Valuation by county assessor.
45	Number of mules, jack and jennets, and value.....	None.			
46	Number of cattle, and value.....				
47	Number of sheep, and value.....				
48	Number of hogs, and value.....				
49	Number of stands of bees, and value.....				
50	Number of cords of wood, and value.....				
51	Bushels of coal, and value.....				
52	Bushels of lime, and value.....				
53	Bushels of wheat, and value.....				
54	Bushels of corn, and value.....				
55	Bushels of rye, and value.....				
56	Bushels of oats, and value.....	None.	32,635 10		
57	Bushels of potatoes, and value.....				
58	Bushels of barley, and value.....				
59	Bushels of grass and clover seed, and value.....				
60	Bushels of flaxseed, and value.....				
61	Bushels of fruit, and value.....				
62	Tons of hay, and value.....				
63	Tons of hemp, and value.....				
64	Pounds of beef, and value.....				
65	Pounds of bacon, and value.....				
66	Pounds of bulk pork, and value.....	None.	32,635		
67	Pounds of lard, and value.....				
68	Pounds of wool, and value.....				
69	Pounds of tobacco, and value.....				
70	Pounds of hops, and value.....				
71	Pounds of maple sugar, and value.....				
72	Barrels of beef, and value.....				
73	Barrels of pork, and value.....				
74	Gallons of cider, and value.....				
75	Gallons of vinegar, and value.....				
76	Gallons of wine and whisky, and value.....				
77	Gallons of sorghum or maple molasses, and value.....				
78	Feet of lumber, and value.....				
79	Pounds of starch, and value.....				
80	Pounds of feed, and value.....				
81	Reams of paper, and value.....				
82	Pounds of pulp, and value.....				
83	Gallons of oils of all kinds, and value.....				

*Schedule of Personal Property, &c.—Continued.*

No.	Personal property—chattels.	No.	Valuation by party.	Valuation by township assessor.	Valuation by county assessor.
84	Number of scales, and value.....	1	10		
85	Number of yards of cloth, and value.				
86	Number of yards of flannel, and value.				
87	Number of blankets, and value.....				
88	Pounds of yarn, and value.....				
89	Tons of ice, and value.....				
90	Number of threshing machines, and value.....				
91	Number of corn-shellers, and value..				
92	Value of logs, timber, and all other property not specified above required to be listed.....	None.			
93	Male dogs owned or harbored by me..				
94	Female dogs owned or harbored by me..				
	Grand total.....		32,645		
	Age at last birthday.....				

Interrogatory 1. Are you, or were you, on the first day of April of the present year, the executor of the last will or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent, attorney or banker investing, loaning or otherwise controlling the money or other property of any other person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker? If yes, designate for whom you were then, or are now acting in such representative or fiduciary capacity, and if you were, or are now acting under the authority of any particular court, name court, and also state to what court you report.

No.

Interrogatory 2. Have you, before the first day of April of the present year, either personally, or through the agency of others, caused all or any part of your taxable money or other property to be temporarily converted, either by sale, borrowing, exchange or in any other manner, into United States notes, not taxable, commonly called "greenbacks," or bonds or other securities of the United States not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or sell back such property after you have made out your tax statement, for the purpose of evading the payment of taxes on such property; or did you, on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid?

No.

Interrogatory 3. If you have converted any of your money or property, or money or property of any other person, as inquired of you, then state when the same was so converted or invested, and the kind and amount and value thereof.

No.

STATE OF INDIANA, }  
Marion County, } ss:

I, Joseph K. Sharpe, Jr., sec., being duly sworn, say, to the best of my knowledge, information, and belief, the foregoing statement contains a true, full, and complete list of all property held or belonging to me and dogs owned, kept, or harbored by me on the first day of April, including all personal property appertaining to merchandising, whether held in actual possession or only having been purchased with a view to possession or profit, and all personal property appertain-





43

1895.

## Form No. 3.

*Statement by Corporations, etc.*

Under section 73 of the act concerning taxation.

Approved March 6, 1891.

SEC. 73. Tax law.—Every street railroad, water works, gas manufacturing, mining, gravel road, plank road, savings bank, insurance and other associations incorporated under the laws of this State (other than railroad companies, and those heretofore specially designated), shall, by its president or other proper accounting officer, between the first day of April and the first day of June of the current year, in addition to the other property required by this act to be listed, make out and deliver to the assessor a sworn statement of the amount of its capital stock, setting forth particularly, etc. (The terms printed in statement below.)

In case of the failure or refusal to make report, such corporation shall forfeit and pay one hundred dollars for each additional day such report is delayed beyond the first of June, to be sued and recovered in any proper form of action, in the name of the State of Indiana, on the relation of the prosecuting attorney, such penalty, when collected, to be paid into the county treasury. And such prosecuting attorney in every case of conviction shall be allowed a docket fee of ten dollars, to be taxed as costs on such action.

Statement by the Indiana Manufacturing Company of capital stock, etc., as required by section 73 of an act of the legislature of the State of Indiana entitled "An act concerning taxation," approved March 6, 1891.

First.	{ Name of company or association, The Indiana Manufacturing Company. Location of company or association, Indianapolis, Ind. The principal office or place of business is in the cor. Missouri St. & Union tracks.	
		Amount.
Second.	{ Amount of capital stock authorized..... No. of shares in which capital stock is divided..... No. 7,200	\$360,000 00
Third.	{ Amount of capital stock paid up..... No. of shares actually issued.... No. 7,200 Market value of the shares of stock; don't know. If no market value, then the actual value.	
Fourth.	{ The entire capital stock was issued in exchange for certain patent rights or letters patent and has no value except such as it derives from such patent rights. The tangible property of the corporation is not sufficient to meet its indebtedness.	

Fifth.	The total amount of indebtedness, except the indebtedness for the current expenses, excluding from such expenses the amount paid for the purchase or improvement of property.			\$50,000 00
		Lands within the State	None.	
		Lots within the State.	None.	
		Personal property within the State...	10,137 00	
			<hr/>	
		Total within the State...	10,137 00	
Sixth.	{ The value of all tangible property.	Lands without the State.....	None.	
		Lots without the State.	None.	
		Personal property without the State..	None.	
			<hr/>	
		Total without the State.....	None.	
Seventh.	The difference in value between all tangible property and the capital stock...			39,863 00
Eighth.	The name and value of each franchise or privilege owned or enjoyed by such corporation.			

Interrogatory 1. Are you, or were you, on the first day of April of the present year, the executor of the last will or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent, attorney or banker investing, loaning or otherwise controlling the money or other property of any other person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker? If yes, designate for whom you were then, or are now acting in such representative or fiduciary capacity, and if you were, or are now acting under the authority of any particular court, name court, and also state to what court you report.

No.

Interrogatory 2. Have you, before the first day of April of the present year, either personally, or through the agency of others, caused all or any part of your taxable money or other property to be temporarily converted, either by sale, borrowing, exchange, or in any other manner, into United States notes, not taxable, commonly called "greenbacks," or bonds or other securities of the United States not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or sell back such property after you have made out your tax statement, for the purpose of evading the payment of taxes on such property; or did you, on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back property for the purpose aforesaid?

No.

Interrogatory 3. If you have converted any of your money or property, or money or property of any other person, as inquired of you, then state when the same was so converted or invested, and the kind and amount and value thereof.

No.

I, Joseph K. Sharpe, Jr., sec'y & treas., do solemnly swear that the above statement is true according to the best of my knowledge and belief.

JOSEPH K. SHARPE, JR., *Sec.*

Subscribed and sworn to before me this 30 day of April, 1895.

GEO. WOLF.

NOTE.—These statements to be scheduled by the assessor and returned to the county auditor.

[Endorsed:] 1895. Form No. 3. Statement by the *the* Indiana Manufacturing Company (Under section 73.) County of Marion, city or town of Indianapolis, township of Centre. Returned by the assessor and filed in the office of the county auditor this — day of —, 189—. — —, county auditor. ~~Ex-2~~ These statements should be arranged in alphabetical order and numbered. They should then be scheduled by the assessor, and said schedule and statements returned to the county auditor when the report of assessment is made. This statement to be filed with county auditor. In the U. S. circuit court for the district of Indiana. Indiana Mfg. Co. vs. S. R. Holt *et al.* No. 9066. In equity. Complainant's Exhibit "1895 Tax Statement." James A. Walsh, notary public. Filed Dec. 2, 1895. Noble C. Butler, clerk.

44 Schedule of All the Personal Property Held by — —, — Township, Marion County, Indiana, on the First Day of April, 1895.

No.	Personal property—credits.	Valuation by party.	Valuation by township assessor.	Valuation by county assessor.
1	All annuities .....			
2	All bonds .....			
3	All notes secured by mortgage .....			
		15,211		
		515		
4	All other notes .....	15,726		
5	All accounts .....	7,165		
6	All other amounts due me from any person, firm, or corporation except for money deposited with banks, corporations, firms, or individuals .....			
	Total credits due me .....	22,891		

## Schedule of Personal Property, &amp;c.—Continued.

No.	Personal property—credits, chattels.	Valuation by party.	Valuation by township assessor.	Valuation by county assessor.
	From the sum of the above credits I claim a deduction of the amount of my <i>bona fide</i> indebtedness, as follows: Value of all notes owing by me..... Value of all accounts owing by me..... Total <i>bona fide</i> indebtedness which should be deducted from my credits.....	50,000		
	Leaving balance for which I should be assessed .....			
	PERSONAL PROPERTY—CHATELLETS.			
1	Money on hand or on deposit, or subject to my order, check, or draft, including circulating notes of national banking associations and United States legal-tender notes and other notes and certificates of the United States payable on demand and circulating, or intended to circulate, as currency, and gold, silver, or other coin.....	2,392		
2	All money loaned by me and not already entered on this schedule.....			
3	All interest owing me and not entered on this schedule .....			
4	All judgments and allowances in my favor entered in any court, and which I have not already entered on this schedule; also all legacies, bequests, and other estates in expectancy.....			
5	All moneys invested in certificates of purchase at tax sales .....			
6	All moneys invested in certificates of purchase at sheriff's sales. ....			
7	All moneys loaned to building, loan, and savings associations.....			
8	All shares of stock in any corporation formed outside of this State, and also all shares of stock in any corporation formed in this State and conducting its business outside of this State .....			
9	Value of goods and merchandise on hand.....	2,200		
10	Value of all articles purchased, received, or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying, or refining.....			
11	Value of manufactured articles on hand .....	3,500		
12	Value of manufacturing tools, implements, and machinery (other than engines and boilers, which shall be listed as such).....	1,700		
13	Value of agricultural tools, implements, and machinery.....			
14	Value of gold or silver plate and plated ware.....			
15	Value of diamonds and jewelry .....			
16	Value of household furniture and library, office .....	35		
17	Value of mechanical tools, law and medical books, surgical instruments, and medicines.....			
18	Value of fire-arms.....			
19	Value of poultry .....			

*Schedule of Personal Property, &c.—Continued.*

No.	Description of property—chattels.	Valuation by party.	Valuation by township assessor.	Valuation by county assessor.
20	Value of nursery stock.....			
21	Value of property such person is required to list as pawnbroker.....			
22	Value of property of companies and corporations other than property hereinbefore enumerated....			
23	Value of property of saloons and eating-houses.....			
24	Value of market-garden products.....			
25	Value of home-made manufactures.....			
26	Value of slaughtered animals.....			
27	Every franchise and description, and value.....			
28	Value of brick, stone, and all other building material on hand.....			
	No.			
29	Number of steamboats, sailing vessels, wharf-boats, canal-boats, barges, or other water craft, either within or without this State, and value.....			
30	Number of patent rights, and value. We are advised that patent rights are not taxable, and therefore decline to state any value for them*.....			
31	Number of steam-engines, including boilers, and value.....			
32	Number of fire and burglar proof safes, and value.....	1	50	
33	Number of billiard, pigeon-hole, bagatelle, and other similar tables, and value.....			
34	Number of piano-fortes, and value.....			
35	Number of organs and other musical instruments, and value.....			
36	Number of sewing or knitting machines, and value.....			
37	Number of watches and clocks, and value.....			
38	Number of carriages, wagons, coaches, hacks, carts, drays, or other vehicles, and value....	1	75	
39	Number of bicycles, tricycles, velocipedes, and value.....			
40	Number of hoop-poles, and value.....			
41	Number of staves and heading and heading blocks, and value.....			
42	All cooperage material and merchandise, and value.....			
43	Number of horses, and value.....	1	25	
44	Number of mules, jacks and jennets, and value.....			
45	Number of cattle, and value.....			
46	Number of sheep, and value.....			
47	Number of hogs, and value.....			
48	Number of stands of bees, and value.....			
49	Number of cords of wood, and value.....			
50	Bushels of coal, and value.....			
51	Bushels of lime, and value.....			

\* 30. Returned by deputy assessor in 1894: No. patent rights and value, 4, \$25,000. John W. McDonald.

*Schedule of Personal Property, &c.—Continued.*

No.	Description of property.	No.	Valuation by party.	Valuation by township assessor.	Valuation by county assessor.
52	Bushels of wheat, and value. ....				
53	Bushels of corn, and value. ....				
54	Bushels of rye, and value. ....				
55	Bushels of oats, and value. ....				
			9,977		
			9,977		
56	Bushels of potatoes, and value. ....				
57	Bushels of barley, and value. ....				
58	Bushels of grass and clover seed, and value. ...				
59	Bushels of flaxseed, and value. ....				
60	Bushels of fruit, and value. ....				
61	Tons of hay, and value. ....				
62	Tons of hemp, and value. ....				
63	Pounds of beef, and value. ....				
64	Pounds of bacon, and value. ....				
65	Pounds of bulk pork, and value. ....				
66	Pounds of lard, and value. ....				
67	Pounds of wool, and value. ....				
68	Pounds of tobacco, and value. ....				
69	Pounds of hops, and value. ....				
70	Pounds of maple sugar, and value. ....				
71	Barrels of beef, and value. ....				
72	Barrels of pork, and value. ....				
73	Gallons of cider, and value. ....				
74	Gallons of vinegar, and value. ....				
75	Gallons of wine and whisky, and value. ....				
76	Gallons of sorghum or maple molasses, and value. ....				
77	Feet of lumber, and value. ....		150		
78	Pounds of starch, and value. ....				
79	Pounds of feed, and value. ....				
80	Reams of paper, and value. ....				
81	Pounds of pulp, and value. ....				
82	Gallons of oils of all kinds, and value. ....				
83	Number of scales, and value. ....	1	10		
84	Number of yards of cloth, and value. ....				
85	Number of yards of flannel, and value. ....				
86	Number of blankets, and value. ....				
87	Pounds of yarn, and value. ....				
88	Tons of ice, and value. ....				
89	Number of threshing machines, and value. ....				
90	Number of corn-shellers, and value. ....				
91	Value of logs, timber, and all other property not specified above required to be listed ..				
92	Male dogs owned or harbored by me. ....				
93	Female dogs owned or harbored by me. ....				
	Grand total. ....		10,137		
	Age April 1, 1895. ....				

Interrogatory 1. Are you, or were you, on the first day of April of the present year, the executor of the last will or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent, attorney or banker investing, loaning or otherwise controlling the money or other property of any other person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker? If yes, designate for whom you were then, or are now acting in such representative or fiduciary capacity, and if you were, or are now acting under the authority of any particular court, name court, and also state to what court you report.

No.

Interrogatory 2. Have you, before the first day of April of the present year, either personally, or through the agency of others, caused all or any part of your taxable money or other property to be temporarily converted, either by sale, borrowing, exchange or in any other manner, into bonds or other securities of the United States not taxable, or any other property not taxable, with the intention to pay back, return or exchange, or sell back such property after you have made out your tax statement, for the purpose of evading the payment of taxes on such property; or did you, on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back such property for the purpose aforesaid?

No.

Interrogatory 3. If you have converted any of your money or property, or money or property of any other person, as inquired of you, then state when the same was so converted or invested, and the kind and amount and value thereof.

No.

STATE OF INDIANA, )  
Marion County, ) ss:

I, ———, being duly sworn, say, to the best of my knowledge, information, and belief, the foregoing statement contains a true, full, and complete list of all property held or belonging to me and dogs owned, kept, or harbored by me on the first day of April, including all personal property appertaining to merchandising, whether held in actual possession or only having been purchased with a view to possession or profit, and all personal property appertaining to manufacturing, and all manufactured articles, whether on hand or owned by me. In all cases where I have been unable to exhibit certain classes of property to the assessor, such property has been fully and fairly described and its true condition and value represented. That I have in no case sought to mislead the assessor as to either quantity or quality or value of property, and that the deductions claimed from credits are *bona fide* debts for a consideration received, and do not consist in any part in bonds, notes, or obligations of any kind given to any insurance company on account of premium or policies, nor on account of any unpaid subscriptions to any literary, scientific, or charitable institution or society, nor on account of any subscription to or indebtedness payable on capital stock of any company, whether incorporated or unincorporated; and I further swear that since the first day of April of last year I have not, directly or indirectly, converted or exchanged any of my property temporarily for the purpose of evading the assessment thereof for taxes into non-taxable property or securities of any kind.

I further swear that I have, to the best of my knowledge and judgment, valued said property at its true cash value, by which I mean the usual selling price, being the price which could be obtained for said property at private sale and not at forced or auction sale.

JOSEPH K. SHARPE, JR., Sec.

Subscribed and sworn to before me this 30 day of April, 1895.

GEO. WOLF, Assessor,  
By ———, Deputy.

To the assessor:

The following is a list of all persons in my family and belonging to my township who are either deaf and dumb, blind, idiotic, or insane, with their names, ages,





covered in any proper form of action, in the name of the State of Indiana, on the relation of the prosecuting attorney, such penalty, when collected, to be paid into the county treasury. And such prosecuting attorney in every case of conviction shall be allowed a docket fee of ten dollars, to be taxed as costs on such action.

Statement by the Indiana Mfg. Co. of capital stock, etc., as required by section 73 of an act of the legislature of the State of Indiana entitled "An act concerning taxation," approved March 6, 1891.

First.	{ Name of company or association, The Indiana Mfg. Co. Location of company or association, Indianapolis, Ind. The principal office or place of business is in the 7 Board Trade b'ldg.	
		Amount.
Second.	{ Amount of capital stock authorized . . . . . \$360,000 No. of shares in which capital stock is divided . . . . . No. 7,200	
Third.	{ Amount of capital stock paid up . . . . . No. of shares actually issued . . . . . No. 7,200	
Fourth.	{ Market value of the shares of stock; none on the market . . . . . If no market value, then the actual value . . . . .	36,000 00
Fifth.	The total amount of indebtedness, except the indebtedness for the current expenses, ex- cluding from such expenses the amount paid for the purchase or improvement of property . . . . .	50,000 00
	Lands within the State. None. Lots within the State. . None. Personal property within the State . . . . . \$32,645	
Sixth.	{ The value of all tangible property. Total within the State . . . Lands without the State. None. Lots without the State. . None. Personal property with- out the State . . . . .	
	Total without the State . . . . . None.	
Seventh.	The difference in value between all tangible property and the capital stock . . . . .	12,904
Eighth.	The name and value of each franchise or privilege owned or enjoyed by such corporation . . . . .	

Interrogatory 1. Are you, or were you, on the first day of April of the present year, the executor of the last will or the administrator of the estate of any deceased person, or the guardian of the estate of any infant or person of unsound mind, or the trustee of the property of any person, or the receiver of any corporation, association or firm, or the agent, attorney or banker investing, loaning or otherwise

controlling the money or other property of any other person resident in this State, or the president or accounting officer of any corporation, or a partner, consignee or pawnbroker? If yes, designate for whom you were then, or are now acting in such representative or fiduciary capacity, and if you were, or are now acting under the authority of any particular court, name court, and also state to what court you report.

No.

Interrogatory 2. Have you, before the first day of April of the present year, either personally, or through the agency of others, caused all or any part of your taxable money or other property to be temporarily converted, either by sale, borrowing, exchange, or in any other manner, into United States notes, not taxable, commonly called "greenbacks," or bonds or other securities of the United States not taxable, or any other property not taxable, with the intention to pay back, return or exchange or sell back such property after you have made out your tax statement, for the purpose of evading the payment of taxes on such property; or did you, on or after the first day of April of the present year, and before you saw this interrogatory, pay back, return, re-exchange or sell back property for the purpose aforesaid?

No.

Interrogatory 3. If you have converted any of your money or property, or money or property of any other person, as inquired of you, then state when the same was so converted or invested, and the kind and amount and value thereof.

No.

I, Joseph K. Sharpe, Jr., sec., do solemnly swear that the above statement is true according to the best of my knowledge and belief.

JOSEPH K. SHARPE, JR., *Sec.*

A. A. McKAIN, *Pres't.*

Subscribed and sworn to before me this 1st day of June, 1894.

GEORGE WOLF, *Ass'r.*

FRANK BYRKIT, *Dep'ty.*

NOTE.—These statements to be scheduled by the assessor and returned to the county auditor.

[Endorsed:] Copy. 1894. Form No. 3. Statement by the Indiana Mfg. Company (under section 73). County of —, city or town of —, township of —. Returned by the assessor and filed in the office of the county auditor this — day of —, 189—. — —, county auditor. \$36,000.00. Joel A. Baker, pres. ~~These~~ These statements should be arranged in alphabetical order and numbered. They should then be scheduled by the assessor and said schedule and statements returned to the county auditor when the report of assessment is made. This statement to be filed with county auditor. In the U. S. circuit court for the district of Indiana. Indiana Mfg. Co. vs. S. R. Holt *et al.* No. 9066. In equity. Complainant's Exhibit "1894 Tax Statement." James A. Walsh, notary public. Filed Dec. 2, 1895. Noble C. Butler, clerk.

The within is a true copy of the statement by the Indiana Mnf<sup>g</sup> Co. for the year 1894, as appears of record in my office.

Witness my hand & official seal July 13, 1894.

[Commissioners' Seal of Marion County, Indiana]

THOMAS TAGGART,  
*Auditor Marion Co., Ind.*

Receipt No. 4737 D.  
Duplicate No. 38126.

\$95.00.

TREASURER'S OFFICE.

MARION COUNTY, INDIANAPOLIS, IND., June 14, 1894.

Received of Indiana Manufacturing Co. the sum of ninety-five <sup>100</sup> dollars, being principal, penalty, interest, and costs of taxes delinquent for the year 1892, on account of State, county, township, and city of Indianapolis, on personal property and the following-described real estate, to wit:

Preserve this receipt.

Description of property.	Inlot.	Outlot.	Square.	Dogs.	
				Male.	Female.
P't paym't. . . . .					
.....					
.....					
.....					
.....					
.....					
.....					
.....					

STERLING R. HOLT,  
*Treasurer Marion County.*

[Stamped across the face:] Paid Jun- 14, 1894. M. J. Murphy, cashier.

[Endorsed:] 1892. In the U. S. circuit court for the district of Indiana. Indiana Mfg. Co. *vs.* S. R. Holt *et al.* No. 9066. In equity. Complainant's Exhibit "1892 Tax Receipt." James A. Walsh, notary public. Filed Dec. 2, 1895. Noble C. Butler, clerk.

46 UNITED STATES OF AMERICA, }  
District of Indiana, } ss :

I, Noble C. Butler, clerk of the circuit court of the United States within and for said district, do hereby certify that the above and foregoing is a full, true, and complete transcript of the record in the cause of The Indiana Manufacturing Company against Sterling R. Holt *et al.*, as fully as the same appears upon the records and files now in my office.

Witness my hand and the seal of said court, at Indianapolis, in said district, this 8th day of October, A. D. 1897.  
Seal Circuit Court of the United States, District of Indiana.

NOBLE C. BUTLER, *Clerk.*

Endorsed on cover: Case No. 16,713. Indiana C. C. U. S. Term No., 500. Sterling R. Holt, Joel A. Baker, Thomas Taggart, George Wolf, William A. Bell, and Charles A. Stuckmeyer, appellants, *vs.* The Indiana Manufacturing Company. Filed November 1, 1897.



500

In the Supreme Court of the United States.

STERLING R. HOLT ET AL., Appellants, <i>vs.</i> THE INDIANA MANUFACTURING COMPANY, Ap- pellee.	}	No. 191, October Term, 1898.
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Appeal from the circuit court of the United States for the district of Indiana.

*Stipulation.*

It is hereby stipulated and agreed by and between the parties hereto, by their counsel, that the following, to wit:

"The court finds the facts set forth in the complainant's bill of complaint to be true and proved. A decree may be prepared adjudging for plaintiff as prayed, and also to embody a perpetual injunction against defendants as prayed, with costs, to be taxed against them"

is a true and correct copy of the order of the circuit court of the United States for the district of Indiana made in said cause upon the final hearing thereof.

And that the following, to wit:

COMPLAINANT'S EXHIBIT "1894 PROCEEDINGS BOARD OF REVIEW."

The Indiana Manufacturing Company.

CHESTER BRADFORD, representing the Indiana Manufacturing Company, appearing before the board, made the following statement:

Mr. BRADFORD: I wish to make a statement to you concerning the general question of the taxation of letters patent of the United States. I wish to make a little argument on that proposition. A patent is a franchise granted by the Government of the United States, is not tangible property and cannot be taxed by any State authorities. I have authorities as to that proposition.

Mr. HOLT: Your capital stock is \$360,000?

Mr. BRADFORD: That is pretty nearly all wind.

Q. 1. What are the patents included at?

A. \$25,000.

Q. 2. The balance is cash, the balance is tangible property, actual value?

A. Yes, the remainder of the return is justly taxable. The patents we hold are not justly taxable.

Q. 3. Where is the other tangible property?

A. It is some machinery in the shop across the river, thrashing

machines, straw-stackers, office furniture and one thing and another.

Q. 4. This represents the value of the patent, \$25,000 ?

A. That is the value of their patent.

Q. 5. The capital stock is \$360,000 and \$25,000 of that is included in the patent ?

A. Of all the value returned \$25,000 is on account of the patents.

Q. 6. That would leave \$335,000 of paid-up capital stock ?

Q. 6. What is it represented by ?

A. My recollection at the organization nothing was paid in, the patents were turned in for the capital stock.

Q. 8. It is claimed they were turned in for \$25,000 ?

A. I have not claimed they were turned in for \$25,000, that is simply the valuation now.

Q. 9. I asked you what it was and you said \$25,000 ?

A. That is the value placed upon them at the present time. The stock was only estimated to be worth 10 cents on the dollar, and \$25,000 from \$36,000 would leave substantially the present value of the actual tangible property.

Q. 10. With those figures what would be left ?

A. \$11,000.

Q. 11. What was it assessed at last year ?

Mr. BAKER: At \$36,000.

Mr. BRADFORD: These questions of what the property is worth you can get at that better from Mr. McKain, who will be here presently. The only proposition I wish to argue is whether patents are taxable. I am not here for any other purpose. Mr. McKain is the business man and knows as to the value of the property.

Mr. HOLT: We make our assessment upon the value of the stock.

Mr. BRADFORD: You cannot take into consideration the value of the patents in passing upon the value of the stock.

Mr. HOLT: We tax the value of the capital stock. Are these patents any advantage to your company ?

Mr. BRADFORD: Of course, that is what they are held for.

Mr. HOLT: It helps increase the value of your capital stock.

Mr. BRADFORD: If I held it it would help to increase my income, but I could not be taxed for it on a capital basis because it produces me an income.

Mr. TAGGART: There is one question here "If no market value then the actual value of your stock \$36,000." You cannot get away from that question. We are not bothering your patents. The patents are not taken into consideration.

Mr. BRADFORD: The patents are taken into consideration.

Mr. TAGGART: Who taxed it ?

Mr. BRADFORD: The assessor.

Mr. TAGGART: How did he arrive at the valuation of your capital stock, the assessor does not arrive at that, the owners or the corporation usually arrive at that themselves. Who made this list out ?



Mr. BRADFORD: I am sure I do not know.

Mr. TAGGART: Who signed it?

Mr. BRADFORD: Joseph Sharpe.

Mr. A. A. McKAIN and Mr. JOSEPH SHARPE, appearing on behalf of the Indiana Manufacturing Company, Mr. McKain made the following answers to questions asked:

Mr. HOLT: What is the stock worth?

Mr. McKAIN: I would not want to take anything like this for mine.

Mr. HOLT: What do you think it is worth on the dollar; is it worth par?

Mr. McKAIN: Yes, sir; I think it is.

Mr. HOLT: What is the capital stock?

Mr. McKAIN: \$360,000. I would just as soon you would assess it at that as \$36,000.

Mr. BRADFORD: On what property basis do you say that?

Mr. McKAIN: On the ground of the value of the patents.

Mr. BRADFORD: Outside of the value of the patents what is it worth?

Mr. McKAIN: The tangible property, whatever that shows. That is only a tool to use the patents.

Mr. HOLT: If the stock is worth par it is our duty to assess it as par. You come in here and make an affidavit that it is worth par, I don't see what else we can do.

Mr. BRADFORD: He has said to you it is only worth what he claims it to be on account of the ownership of the patents.

Mr. HOLT: That makes the stock valuable.

Mr. BRADFORD: As counsel I had a right to ask him questions and he a right to answer.

Mr. HOLT: I asked him what the stock was worth, and if it was worth par, and he said that it was.

It is moved and seconded that the assessment of the Indiana Manufacturing Company be fixed, as returned, at thirty-six thousand (\$36,000.00) dollars.

Mr. BRADFORD: To make a record, I desire to move you that the amounts assessed against this corporation for the year 1892 be abated to the amounts shown by the actual tangible property, excluding the patents. I wish to make a further motion before you that the amount assessed against this company for the year 1893 be abated to the tax assessable on the actual property, excluding the valuation of patents, which that year, the same as this, were put in by the assessor at \$25,000.

Mr. TAGGART: How did the assessor arrive at the valuation of the patent?

Mr. BRADFORD: I have not the remotest idea how he arrived at it.

Mr. TAGGART: It is the opinion of the board that it has no power to act on the question that Mr. Bradford presents.

Mr. HOLT: The way to do is to appeal from this board.

Mr. BRADFORD: We have other appeals. I think perhaps, this being a Federal question, I will file a suit in the United States court.

Mr. HOLT: This board was not in existence at that time; we have no authority to act.

was an exhibit duly introduced in evidence in said cause as Complainant's Exhibit "1894 Proceedings Board of Review."

Which said papers appear to have been inadvertently omitted from the transcript as prepared and certified by the clerk of said circuit court.

And it is hereby further stipulated and agreed that this stipulation shall have the same force and effect for the purpose of making said order and said exhibit a part of the record herein as though the same had been included in said transcript of record.

W. L. TAYLOR,  
*Of Counsel for Appellants.*  
 CHESTER BRADFORD,  
*Counsel for Appellee.*

Indianapolis, Ind., Jan. 18, 1899.

[Endorsed:] October term, 1898. No. 191. U. S. Supreme Court. S. R. Holt *et al.* vs. Indiana Manufg. Company. Stipulation. Chester Bradford, patent lawyer, suite 1235, Stevenson building, Indianapolis, Ind.

[Endorsed:] File No. 16,713. Supreme Court U. S., October term, 1898. Term No., 191. Sterling R. Holt & *al.*, app'ts, vs. The Indiana Manfg. Co. Stipulation and addition to record. Filed Jan'y 20, 1899.